Acta Apostolicae Sedis

Volume IX (1917), Part II
Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

An English translation of the Latin edition
Romæ: Typis Polyglottis Vaticanis, 1917

Note on this translation. This English text was produced by a machine-assisted translation pipeline from an OCR transcription of the source Latin edition. The draft translation was made by a specialised translation model, assisted by a dedicated ecclesiastical-Latin knowledge base which supplied Douay–Rheims wording for Scripture quotations and verified place-names and terminology. It is an unofficial reading aid and has *not* undergone formal scholarly revision; occasional errors will remain, particularly in the dense citation apparatus. Marginal references of the form [*Latin ed. p. N*] indicate the corresponding page of the source edition, for alignment with the original scans. Blank leaves and unreadable pages have been omitted.

[*Latin ed. p. 1*]

ACTS OF THE APOSTOLIC SEE, OFFICIAL COMMENTARY, NINTH YEAR, VOLUME I, PART II. PRINTED IN ROME BY THE VATICAN POLYGLOT PRESS, MCMXVII.

[*Latin ed. p. 2*]

The Code of Canon Law, compiled by order of Pope Pius X, promulgated by authority of Pope Benedict XV, printed at the Polyglott Press of the Vatican, 1917. *Acta*, Volume IX, Part II.

[*Latin ed. p. 4*]

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[*Latin ed. p. 5*]

TO THE VENERABLE BROTHERS AND BELOVED SONS, TO THE PATRIARCHS, PRIMATES, ARCHBISHOPS, BISHOPS, AND OTHER ORDINARIES, AND ALSO TO THE PROFESSORS AND STUDENTS OF CATHOLIC INSTITUTIONS AND SEMINARIES. B, THE BISHOP, SERVANT OF SERVANTS OF GOD, FOR PERPETUAL REMEMBRANCE. The most provident Mother Church, established by Christ the Founder so that she might be instructed in all things that are fitting for a perfect society, from her very beginnings, when, obeying the command of the Lord, she began to teach and govern all nations, has already begun to regulate and protect the sacred order of men and the discipline of the Christian people with given laws. As time passed, especially when she vindicated her freedom and spread more and more widely everywhere with increasing growth, she never ceased to develop and explain her own and natural right to enact laws, a multitude and variety of decrees being promulgated by the Roman Pontiffs and the Ecumenical Councils, according to the needs and the times. These laws and precepts have always benefited both the clergy and the Christian people, wisely governing them, and, as history testifies, have wonderfully promoted the public good and the civil order. For the Church has not only taken care to abolish the laws of barbarian peoples and to reform their savage customs towards humanity, but has also, with the help of divine light, tempered, corrected, and perfected the very Roman law, a monument of ancient wisdom, which rightly deserves to be called written reason, so that, with a better and more widely established order of private and public life, both in the Middle Ages and more recently, she has provided ample material for the enactment of laws.

[*Latin ed. p. 6*]

Article 6 of the Code of Canon Law: For it is true, as Our Predecessor,

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Pope Pius X, wisely observed in the Motu Proprio "Arduum sane," published on the sixteenth day before April in the year 1904, that, given the conditions of the times and the needs of men, as nature dictates, the Code of Canon Law, having not readily achieved its purpose in every respect, was seen to be in need of revision. For over the course of the centuries, many laws had been promulgated, some of which had been abrogated by the highest authority of the Church, or had become obsolete; others, however, had become difficult to implement given the circumstances of the times, or were less useful, or even less suitable for the common good in the present. Furthermore, the number of canon laws had increased to such an extent, and they were so disjointed and scattered, that many were hidden even from the most learned, let alone the common people. For these reasons, Our Predecessor, upon assuming the pontificate, considered how useful it would be to restore and strengthen ecclesiastical discipline, and therefore conceived the plan of collecting all the laws of the Church, promulgated up to that time, into a single volume, arranged in a clear order; removing those that had already been abrogated or had become obsolete; adapting others, where necessary, to the customs of our time; and, if it should seem necessary or expedient, establishing new laws. Having undertaken this arduous task after careful deliberation, and having judged it necessary to consult with the sacred pastors, whom the Holy Spirit has placed to govern the Church of God, and to fully understand their minds on this matter, He first of all took care to ensure that the Cardinal for Public Affairs of the Church would send letters to each Archbishop of the Catholic world, instructing them to "hear their own suffragans and any others who might be present, and to report to this Holy See as soon as possible whether, in their opinion, any particular laws in the current Code of Canon Law required amendment or modification."

[*Latin ed. p. 7*]

Subsequently, having gathered a large number of individuals, both from the City and elsewhere, in order to complete the work entrusted to the Cardinals of Rome, and after having considered the changes proposed by some, and the corrections suggested by others, and having received the mandate of the Most Holy and Blessed Pope, and having prepared exemplary canons, which we earnestly implore to be observed with honor in the Church, along with the Code of Canon Law, we have now decreed and declared the following:

1. Cf. Motu proprio "Arduum," and the letter "De mandato" of His Holiness, the Pope, to the Most Reverend Legate, March 20, 1912. Our Predecessor, may he rest in peace, having begun this work with the advice of prudent men, and having collected new material for a new Code, and having taken into consideration the observations and opinions of all, and having obtained the suffrages of the entire Vatican Council, decreed this.

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2. We have recognized that, for the sake of order, it is necessary to have a certain number of Prelates, and therefore, after having consulted with Caietanus Michael, we have chosen these men, who are highly esteemed and renowned, and who have diligently fulfilled their duties. Thus, that which had been begun long ago by the Fathers in the Council, so that it might be promulgated, has now been completed by these chosen sons, who are rightly called to the service of God, namely: Gasparri, Giustini, Orbe, Pompili, Vannutelli, Philippus, Dominicum, Vincentius, Cavagnis, Rossum, Petro Cavicchioni, Sebastianus Martinelli, and Gulielmus, who, with the Most Reverend Cardinal Beniaminus Tuto, and with the consent of the Most Reverend Cardinal of Caesarea, and with other chosen sons, have been appointed to a most learned Commission of the Sacred Roman Church, to direct and to carry out the work of the Council, and to ensure that the canons are properly observed in all nations.

[*Latin ed. p. 8*]

The Code of Canon Law. Therefore, invoking the help of divine grace, confident in the authority of the Apostles Peter and Paul, by our own initiative, with certain knowledge and the fullness of the Apostolic power with which we are endowed, by this Our Constitution, which We desire to remain perpetually valid, We promulgate the present Code, as it is arranged, and We decree that it shall henceforth have the force of law for the entire Church, We command it, and We entrust it to your custody and vigilance, that it may be preserved. In order that all to whom it pertains may properly understand the prescriptions of this Code before they are put into effect, We decree and command that it shall not begin to have binding force until the feast of Pentecost of the coming year, that is, on the nineteenth day of the month of May of the year nineteen hundred and twenty-nine. Notwithstanding any enactments, constitutions, privileges, even those specially worthy of mention, and also any customs, even those of long standing, and all other contrary things. Therefore, it is not permitted to any person whatsoever to infringe this page of Our Constitution, enactment, limitation, suppression, derogation, or to contravene it in any way. If anyone should presume to attempt this, let him know that he will incur the wrath of the Almighty God and of the Blessed Apostles Peter and Paul.

Given at Rome, at St. Peter's, on the feast of Pentecost, in the year nineteen hundred and seventeen, the third year of Our Pontificate.

PETER CARDINAL GASPARRI, SECRETARY OF STATE.

O. CARD. CAGIANO DE AZEVEDO, SECRETARY OF THE HOLY ROMAN CHURCH.

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[*Latin ed. p. 9*]

PROFESSION OF THE CATHOLIC FAITH. I, N., with firm faith, believe and profess all and each of the things contained in the Creed, which the Holy Roman Church uses, namely: I believe in one God, the Father Almighty, Creator of heaven and earth, and of all things visible and invisible. And in one Lord Jesus Christ, the only-begotten Son of God. And born of the Father before all ages. God from God, Light from Light, true God from true God. Begotten, not made, of one substance with the Father; by whom all things were made. Who, for our sake, men, and for our salvation, descended from heaven. And was incarnate by the Holy Spirit of the Virgin Mary, and was made man. He was also crucified for us under Pontius Pilate; he suffered, and was buried. And he rose again on the third day, according to the Scriptures. And he ascended into heaven; he sits at the right hand of the Father. And he will come again in glory to judge the living and the dead; and his kingdom will have no end. And I believe in the Holy Spirit, the Lord and Giver of life, who proceeds from the Father and the Son, and who is worshipped and glorified with the Father and the Son; who spoke through the prophets. And one, holy, Catholic, and Apostolic Church. I acknowledge one Baptism for the remission of sins. And I look forward to the resurrection of the dead. And the life of the world to come. Amen. I firmly accept and embrace the apostolic and ecclesiastical traditions, and the remaining observances and constitutions of the same Church. Moreover, I accept the sacred Scripture according to that sense which the holy Mother Church has held and does hold, whose office it is to judge of the true sense and interpretation of the sacred Scriptures; nor shall I ever receive or interpret it except according to the unanimous consent of the Fathers. I also profess that there are truly and properly seven Sacraments of the new law, instituted by Jesus Christ our Lord, and for the salvation of the human race, although not all are necessary for everyone, namely, Baptism, Confirmation, Eucharist, Penance, Extreme Unction, Holy Orders, and Matrimony; and that these confer grace, and that Baptism, Confirmation, and Holy Orders cannot be repeated without sacrilege. I also receive and admit the rites of the Catholic Church, received and approved, in the solemn administration of all of the aforementioned Sacraments.

[*Latin ed. p. 10*]

10. I acknowledge and accept all and each of those things which concerning original sin and justification were defined and declared in the most holy Council of Trent. - I likewise confess that in the Mass is offered to God a true, proper, and propitiatory Sacrifice for the living and the dead; and that in the most holy Sacrament of the Eucharist, there is truly, really, and substantially the Body and Blood of our Lord Jesus Christ, together with His soul and divinity, and that the entire substance of the bread is converted into the Body, and the entire substance of the wine is converted

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into the Blood, a conversion which the Catholic Church calls Transubstantiation. I also confess that the whole and entire Christ is present under the appearance of only one species, and that He is truly received as the Sacrament. - I steadfastly maintain that Purgatory exists, and that the souls detained there are aided by the prayers of the faithful. Likewise, I believe that the Saints, together with Christ, are reigning in glory and are to be venerated and invoked, and that they offer prayers to God for us, and that their relics are to be venerated. I firmly assert that images of Christ and the ever-Virgin Mary, as well as of other Saints, are to be kept and retained, and that due honor and veneration are to be given to them. - I also affirm that the power of indulgences was left by Christ in the Church, and that the use of them is most salutary for the Christian people. - I acknowledge the Holy, Catholic, and Apostolic Roman Church as the mother and teacher of all the Churches, and I promise and swear true obedience to the Roman Pontiff, the successor of the blessed Apostle Peter, the Prince of the Apostles, and the Vicar of Jesus Christ. Furthermore, I accept and profess without doubt all those things which have been handed down, defined, and declared by the sacred Canons and the Ecumenical Councils, and especially by the most holy Council of Trent and by the Ecumenical Council of Vatican, particularly concerning the primacy and the infallible teaching authority of the Roman Pontiff; and, together with these, I condemn, reject, and anathematize all those things which have been condemned and rejected and anathematized by the Church. This true Catholic Faith, without which no one can be saved, which I now spontaneously profess and sincerely hold, I will, with God's help, constantly retain and confess, entire and inviolate, until the very end of my life; and I promise, vow, and swear that I will take care, as far as in me lies, that it be held, taught, and preached by my subordinates or those whose care is entrusted to me in my office. So may God help me, and may these holy Gospels.

[*Latin ed. p. 11*]

CODE OF CANON LAW, BOOK I, GENERAL NORMS

CAN. 1. Although frequently referred to in the Code of Canon Law of the Church, it binds the Oriental [Rite], and affects the Oriental [Rite]; however, unless it is a matter that concerns them also, the Oriental discipline, which originates from the Church itself, is not affected, nor does it even pertain to it.

CAN. 2. The Code, for the most part, does not determine anything concerning the rites and ceremonies which the liturgical books, approved by the Latin Church, retain in force for the most holy Sacrifice of the Mass, for the administration of the Sacraments and other sacred rites, unless they prescribe something in the administration of the Sacraments, and all litur-

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gical laws are expressly corrected in the Code.

CAN. 3. The canons of the Code do not in any way abrogate the agreements entered into, but continue to be in force, even if the Apostolic See abrogates various things to different nations; therefore, these prescriptions of the Code do not in any way hinder those things.

CAN. 4. The rights, privileges, and indults granted by the Apostolic See to certain individuals or places, and which are still in use, are not revoked by these canons unless they are expressly revoked.

CAN. 5. Those canons which are in force, whether universal or particular, if they expressly disapprove of existing practices, are to be considered as correcting or amending those practices, and they are not to be allowed to be revived in the future; other practices may be tolerated, if the Ordinary, considering the circumstances of the place, deems that nothing else can be done; let him take care.

CAN. 6. The following changes are to be brought to the attention of those concerned:

1.° Any laws that are contrary to this Code must be expressly brought to the attention of those concerned; they generally retain their force, unless they are expressly abrogated, whether universal or particular, by the prescriptions of the Code concerning particular laws.

[*Latin ed. p. 12*]

Codex Iuris Canonici

2.° Those canons which refer entirely to the old law, are to be understood according to the authority of the old law, and therefore, according to the interpretations received from approved authors;

3.° Those canons which, in part, only concern the old law, are to be understood according to the old law;

5.° As far as penalties are concerned, for which there is no mention in the Code, the judge shall decide;

4.° Those canons which are discordant, and which, by their own wording, are in agreement with the old law, are to be understood according to the law prescribed by themselves; whether they are ritual, or temporal, or medicinal, or, as they are called, vindicative, imposed or to be imposed.

6.° Sentences which have been in force, and which are not expressly said to have been lost, or which are of divine law, are not to be considered as abrogated, unless it is expressly stated in the laws of the Code, or in approved positive or natural law books; those which are still contained in liturgical books still retain their force.

CAN. 7. By the name "Apostolic See" or "Roman Pontiff," "Holy See," are meant, unless something else appears from the matter itself, the Congregations, Tribunals, the Roman Pontiff, and the offices of the entire Church.

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TITULUS Concerning the laws of natural and divine law which come to be known through ecclesiastical writings.

I. Ecclesiastical laws.

CAN. 8. § 1. Laws are established when they are promulgated.

§ 2. A law is not presumed to be personal, but territorial, unless otherwise stated.

CAN. 9. Laws promulgated by the Apostolic See are published by means of the edition of the Acts of the Apostolic See with the official commentary, unless in particular cases another method of promulgation has been prescribed; and they take effect only after the expiration of three months from the day on which the number of the Acts to which they are appended is affixed, unless a shorter or longer period of grace has been established by law.

CAN. 10. Laws concern future things, not past things, unless expressly stated in them.

CAN. 11. Irritating or disabling laws are those which render an act null or a person incapable, and they are only valid for those expressly mentioned in them or for those to whom they are applied.

CAN. 12. Ecclesiastical laws do not bind those who are not baptized, nor those who, although baptized, do not enjoy the use of the sacraments, nor those who, although they have received baptism, do not practice it.

[*Latin ed. p. 13*]

Book One - General Norms. Unless otherwise specified, the seventh [rule] must be strictly observed. Those who have not yet completed the age of thirteen are under the jurisdiction of the law, according to Canon 1, section 3, paragraph 1. Laws are enacted. Paragraph 2. General laws, once established, are binding everywhere; however, for each particular territory, all are subject to them, as are all those who reside there or have a quasi-domicile, firmly and according to Canon 14. Canon 14. Paragraph 1. Concerning foreigners: 1.° They are exempt from the laws unless they are absent for a long time, or 2.° unless they are subject to the particular laws of the territory in which they are present, except for those general laws which bind them, which determine the solemnities; and even if these are not in force, certainly not if they are personal laws of the territory; 3.° they are subject to both general and particular laws of the territory in which they are present. Canon 15. Laws, even those that are doubtful or seem to invalidate or incapacitate, are not binding; however, the Ordinary, or the Roman Pontiff, can grant a dispensation in them, provided that they do not violate the divine law. Canon 16. Paragraph 1. Ignorance of the law is no excuse, except 2.° unless ignorance or a mistake concerning a fact is expressly stated. Concerning a fact that is one's own, or concerning a fact that is foreign, or concerning an alien law, or concerning a penalty

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that is not notorious, or concerning a fact that is not generally presumed, it is not presumed, unless the contrary is proven. Canon 17. Paragraph 1. The power to interpret the law authentically belongs to those who legitimately interpret it. Paragraph 2. The interpretation has the force of law itself; it does not require promulgation, unless it explains a doubtful point or extends or restricts the law. Paragraph 3. If the words of the law are clear, and the legislator has expressed his intention in the same way, then the interpretation is valid, even if it restricts or extends the law; the interpretation is binding for those for whom it was given, and it has the force of law for them, and it is not withdrawn, unless the successor declares that it is withdrawn. However, if the interpretation is given in the manner of a judicial decision or a rescript, it affects only the persons and things to which it refers. Canon 18. Ecclesiastical laws are to be understood according to their proper meaning, considering the text and context; if the words are doubtful, and...

[*Latin ed. p. 14*]

The Code of Canon Law remains obscure; therefore, when dealing with parallel sections of the Code, if any exist, one must refer to the purpose and circumstances of the law, and to the intent of the legislator. CAN. 19. Laws that establish penalties, or restrict the free exercise of rights, or contain an exception from the law, are subject to a strict interpretation. CAN. 20. If there is no express provision in the law, whether general or particular, regarding a certain matter, the following norms are to be followed, unless it concerns penalties to be applied by laws enacted in similar cases: first, from the general principles of law, with due regard for canonical equity; second, from the style and practice of the Roman Curia; third, from the common and constant opinion of doctors. CAN. 21. Laws enacted to prevent a general danger are urgent, even if the danger is not present in a particular case. CAN. 22. A subsequent law, enacted by a competent authority, abrogates a prior law, if it expressly states so, or if it is directly contrary to it, or if it completely and entirely reorganizes the subject matter of the prior law; but, according to the firm provision of canon 6, n. 1, a general law does not in any way abrogate special provisions or the statutes pertaining to particular individuals, unless otherwise expressly stated therein. CAN. 23. In case of doubt, the repeal of a pre-existing law is not presumed, but subsequent laws are to be interpreted in relation to prior laws, and to be reconciled with them as much as possible. CAN. 24. Precepts given to individuals are binding upon those to whom they are given, everywhere, but they cannot be enforced judicially, and they cease to be binding upon the resolution of the right of the one giving the precept, unless they have been imposed by a legitimate document or in the presence of two witnesses. TITLE II. Concerning Custom. CAN. 25. In the Church, custom has the force of law only with the consent of the competent ecclesiastical superior. CAN. 26.

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A community that is at least capable of receiving ecclesiastical law, can introduce a custom that has the force of law. CAN. 27. § 1. No custom can in any way derogate from divine, natural, or positive law; but it does not prejudice ecclesiastical law.

[*Latin ed. p. 15*]

Book One - General Norms 15, unless it has been established reasonably and legitimately for forty continuous and complete years; but, contrary to the ecclesiastical law which contains a clause prohibiting future customs, only a reasonable, centennial or immemorial custom can be established. § 2. A custom which is expressly disapproved of in law is not reasonable. C A N. 28. A custom, beyond the law, which has been knowingly observed by a community with the intention of being bound, creates a law, if it is also reasonable and legitimately established for forty continuous and complete years. C A N. 29. Custom is the best interpreter of laws. C A N. 30. In accordance with the firm prescription of canon 5, a custom, whether contrary to the law or beyond the law, is revoked by a contrary custom or by law; but, unless it expressly mentions the same, the law does not revoke centennial or immemorial customs, nor does a general law revoke particular customs. TITLE III. Concerning the Calculation of Time. C A N. 31. Except for liturgical laws, time, unless otherwise expressly stated, shall be calculated according to the canons that follow. C A N. 32. § 1. A day consists of 24 continuous hours, and a week consists of 7 days. § 2. In law, the name of a month refers to a period of 30 days, and a year refers to a period of 365 days, unless the month and year are specified as being taken according to the calendar. C A N. 33. § 1. When calculating the hours of the day, one must follow the common usage of the place; but in a private celebration of Mass, in the private recitation of canonical hours, in receiving Holy Communion, and in observing the laws of fasting or abstinence, even if a different calculation is customary in the place, one may follow the local time, whether it be the true time, the mean time, the legal time, the regional time, or some other extraordinary time. § 2. With regard to the time for fulfilling contractual obligations, unless a different agreement has been expressly stipulated, the prescription of the civil law in force in the territory shall be observed. C A N. 34. § 1. If a month and a year are designated by their proper name or by an equivalent term, e.g., in the month of February, in the next year, they shall be taken as they are in the calendar.

[*Latin ed. p. 16*]

16. Codex Iuris Canonici § 2. Si terminus, sive explicitus sive implicitus, non assignatur, exempli gratia, suspensio a Missae celebratione per unum mensem vel duo annos, tres menses vacationis per annum, etc., tempus computetur momento ad momentum; et si tempus sit continuum, ut in exemplo primo, menses et anni sumantur prout sunt in calendario; si in-

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termissum, hebdomas intelligatur 7 dierum, mensis 30, annus 365. § 3. Si tempus constet uno vel pluribus mensibus aut annis, una vel pluribus hebdomis aut tandem pluribus diebus, et terminus a quo explicite vel implicite assignetur: 1.° Menses et anni sumantur prout sunt in calendario; 2.° Si terminus a quo coincida cum initio diei, exempli gratia, duo menses vacationis a die 15 Augusti, primus dies ad explendam numerationem computetur et tempus finiatur incipiente ultimo die eiusdem numeri; 3.° Si terminus a quo non coincida cum initio diei, exempli gratia, decimus quartus annus aetatis, annus novitiatus, octiduum a vacatione sedis episcopalis, decennium ad appellandum, etc., primus dies ne computetur et tempus finiatur expleto ultimo die eiusdem numeri; 4.° Quod si mensis die eiusdem numeri careat, exempli gratia, unus mensis a die 30 Ianuarii, tunc pro diverso casu tempus finiatur incipiente vel expleto ultimo die mensis; 5.° Si agatur de actibus eiusdem generis statis temporibus renovandis, exempli gratia, triennium ad professionem perpetuam post temporariam, triennium aliudve temporis spatium ad electionem renovandam, etc., tempus finitur eodem recurrente die quo incepit, sed novus actus per integrum eundem diem poni potest.

CAN. 35. Tempus utile illud intelligitur quod pro exercitio aut prosecutione sui iuris ita alicui competit ut ignoranti aut agere non valenti non currat; continuum, quod nullam patitur interruptionem.

TITULUS I V. De rescriptis.

CAN. 36. § 1. Rescripta, tum Sedis Apostolicae tum aliorum Ordinariorum, impetrari libere possunt ab omnibus qui expresse non prohibentur.

§ 2. Gratiae et dispensationes omne genus a Sede Apostolica concessae etiam censura irretitis validae sunt, salvo praescripto can. 2265, § 2, 2275, n. 3, 2283.

CAN. 37. Rescriptum impetrari potest pro alio etiam praeter eius assensum; et licet ipse possit gratia per rescriptum concessa non uti, rescriptum tamen valet ante eius acceptationem, nisi aliud ex appositis clausulis appareat.

[*Latin ed. p. 17*]

Book One - General Norms 17 C A N. 38. Rescripts by which grace is granted without an intermediary executor have effect from the moment the letters are given; the remaining provisions take effect from the time of execution.

C A N. 39. Conditions stated in rescripts are considered essential only for their validity, provided that they are expressed by words such as ”if,” ”provided that,” or another word of similar meaning.

C A N. 40. In all rescripts, it is understood, even if not expressly stated, the condition: ”If the petitions are made in truth,” except as provided in canons 45 and 1054.

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C A N. 41. In rescripts where there is no executor, the petitions must be made in truth at the time the rescript is given; in other cases, at the time of execution.

C A N. 42. § 1. Omission of the truth, or deception, in petitions does not prevent a rescript from being valid, provided that those things which, according to the style of the Curia, are necessary for its validity have been expressed.

§ 2. Nor does the presentation of a false statement, or deception, prevent validity, provided that at least one of the reasons presented is true, either as the sole reason or as one of several reasons.

§ 3. Deception or omission in only one part of a rescript does not invalidate the rest, if, at the same time, several graces are granted by the rescript.

C A N. 43. § 1. A grace denied by one Sacred Congregation or Office of the Roman Curia cannot validly be granted by another Sacred Congregation or Office, or by a local Ordinary, even if they have the power to do so, without the consent of the Sacred Congregation or Office with which the matter was initially considered, except for the rights of the Holy Penitentiary for the internal forum.

C A N. 44. § 1. No one shall request a grace denied by his own Ordinary from another Ordinary, without mentioning the denial; but if the denial is mentioned, the Ordinary shall not grant the grace, unless he has received the reasons for the denial from the previous Ordinary.

§ 2. A grace denied by a General Vicar and subsequently obtained from the Bishop, without mentioning this previous denial, is invalid; but a grace denied by the Bishop cannot validly be obtained from the General Vicar, even if the denial is mentioned, without the consent of the Bishop.

C A N. 45. When rescripts are granted in response to the petitions of someone, the clause is added: "Of his own motion." These are valid, even if the truth is concealed in the petitions, provided that...

[*Latin ed. p. 18*]

18. The Code of Canon Law must be observed, unless a final and sole cause is presented, with the exception stated in canon 1054. CAN. 46. Rescripts, even those granted by a *Motu proprio*, do not apply to a person who, by law, is ineligible to obtain the grace in question, nor are they valid against a legitimate custom or particular statute of a certain place, or against a right already acquired by another, unless a clause expressly derogating from the rescript is appended to it. CAN. 47. Rescripts are not rendered invalid due to an error in the name of the person to whom or by whom they are granted, or in the name of the place where that person resides, or in the matter concerning which they are issued, provided that, in the judgment of the Ordinary, there is no doubt about that person or matter. CAN. 48. § 1. If it happens that two rescripts, contrary to each

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other, are obtained concerning the same matter, a particular rescript prevails over a general one, in those matters which are particularly specified. § 2. If they are equally particular or general, the one granted later prevails over the one granted earlier, unless mention is made of the earlier one in the other, or unless the person who obtained the earlier rescript has not used it with deceit or notable negligence. § 3. If they were granted on the same day and it is not clear which was granted earlier, both are invalid, and, if the circumstances warrant, recourse must be made again to the one who granted the rescripts. CAN. 49. Rescripts are to be understood according to the proper meaning of the words and the common usage of language, and they should not be extended to cases other than those expressly stated. CAN. 50. In cases of doubt, rescripts that refer to lawsuits, or that injure the rights of others, or that are contrary to the law for the benefit of private individuals, or, finally, that were obtained for the purpose of obtaining an ecclesiastical benefit, are to be given a strict interpretation; all others are to be given a broad interpretation. CAN. 51. A rescript from the Apostolic See in which no executor is named must be presented to the Ordinary of the petitioner only when it is ordered in the same document, or when the matter concerns public affairs, or when it is necessary to verify certain conditions. CAN. 52. Rescripts, for the presentation of which there is no fixed time, can be presented to the executor at any time, provided that there is no fraud or deceit. CAN. 53. An executor performs his office invalidly before he receives the letters and recognizes their authenticity and integrity, unless...

[*Latin ed. p. 19*]

Book I - General Norms

19. Prior knowledge of these matters must have been transmitted to him by the authority of the writer.

CAN. 54. § 1. If the execution of a rescript is entrusted to a minister of execution, the execution of the rescript cannot be denied, unless it is manifestly clear that the rescript is invalid due to some deception, or if conditions are added to the rescript which the executor believes have not been fulfilled, or if the person who obtained the rescript appears, in the judgment of the executor, to be so unworthy that granting him the benefit would be offensive to others; in the latter case, the executor, suspending the execution, shall immediately inform the writer of the matter.

§ 2. If the rescript grants a benefit to the executor, it is up to him, according to his own prudence and conscience, to grant or deny the benefit.

CAN. 55. The executor must proceed according to the mandate, and if he does not fulfill the essential conditions stated in the document and does not observe the substantial form of procedure, the execution is invalid.

CAN. 56. The execution of rescripts which concern external matters must

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be done in writing.

CAN. 57. § 1. The executor may, at his own discretion, substitute another person for himself, unless the substitution is prohibited, or the person of the substitute is specifically designated.

§ 2. However, if a specific person is chosen, the executor is not permitted to entrust the task to another, except for preparatory acts.

CAN. 58. Any rescript may be entrusted to execution even by the successor of the executor in dignity or office, unless a specific person has been chosen.

CAN. 59. § 1. It is permissible for the executor, if he has erred in any way in the execution of rescripts, to entrust the same execution again.

§ 2. With regard to the fees for the execution of rescripts, the prescription of canon 1507, § 1, must be observed.

CAN. 60. § 1. A rescript, revoked by a particular act of the Superior, remains valid until the revocation is communicated to the person who obtained it.

§ 2. By contrary law, no rescript is revoked, unless otherwise provided in that law, or the law was enacted by a Superior of the writer himself.

CAN. 61. By the vacation of the Apostolic See or of a diocese, no rescript of the same Apostolic See or Ordinary is annulled, unless otherwise provided in the circumstances.

[*Latin ed. p. 20*]

20. The Code of Canon Law may contain clauses, or rescripts, which grant a particular grace to certain individuals, provided that the matter is still integral. C. 62. If the rescript contains not a simple grace, but a privilege or dispensation, then the prescriptions of the following canons must also be observed. TITLE V. Of Privileges. C. 63. § 1. Privileges can be acquired not only by direct concession from competent authority and by communication, but also by legitimate custom or prescription. § 2. Centenaria possession [possession for a hundred years] or immemorial possession gives rise to a presumption of a granted privilege. C. 64. By communication of privileges, even in the principal form, only those privileges are considered to be granted which were originally granted directly, perpetually, and without any special reference to a particular place, matter, or person, taking also into account the capacity of the subject to whom the communication is made. C. 65. When privileges are acquired by communication in an accessory form, they are increased, diminished, or lost, as the case may be, by the very fact, if they are increased, diminished, or cease in the principal privileged party; otherwise, if they are acquired by communication in the principal form. C. 66. § 1. Habitual faculties which are granted either perpetually or for a definite time, or for a certain number of cases, are augmented by privileges beyond the law. § 2. Unless in their concession Alet was intended

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for the benefit of Monteu da Po, or some other explicit caution is given, habitual faculties granted by the Apostolic See to a Bishop or others, as mentioned in can. 198, § 1, do not disappear, even if the Ordinary to whom they were granted begins to exercise them, but pass to the Ordinaries who succeed him in office; likewise, those granted to a Bishop also belong to the General Vicar. § 3. A granted faculty carries with it also other powers which are necessary for its use; therefore, the power to grant dispensations also includes the power to absolve from ecclesiastical penalties, if any should arise, but only to the extent necessary to achieve the effect of the dispensation. C. 67. A privilege must be assessed according to its own terms, and it is not permissible to extend or restrict it.

[*Latin ed. p. 21*]

Book I - General Norms 21. Canon 6 § 8. In cases of doubt, privileges are to be interpreted according to canon 50; but that interpretation must always be employed, so that it may appear that those who have availed themselves of the privilege have obtained some benefit from the grant of indulgence. Canon 6 § 9. No one is obliged to use a privilege granted solely for his own benefit, unless an obligation arises from another provision. Canon 7 § 0. A privilege, unless otherwise stated, is to be considered perpetual. Canon 7 § 1. By general law, privileges contained in this Code are revoked; with regard to other matters, the prescription of canon 6 § 0 is to be observed. Canon 7 § 2. § 1. Privileges cease through a renunciation accepted by the competent Superior. § 2. Any private person may renounce a privilege established solely for his own benefit. § 3. It is not permitted for private persons to renounce a privilege granted to a community, dignity, or place. § 4. Nor is it permissible for the community or group itself to renounce a privilege granted to it as if by law, or if the renunciation would result in prejudice to the Church or others. Canon 7 § 3. When the right of the grantor is terminated, privileges are not extinguished, unless they were granted with the clause: "at our pleasure," or with a similar equivalent. Canon 7 § 4. A personal privilege follows the person and is extinguished with them. Canon 7 § 5. Real privileges cease through the absolute loss of the thing or place; however, local privileges, if the place is restored within fifty years, are revived. Canon 7 § 6. Privileges that do not burden others do not cease through non-use or through contrary use; but those privileges that are burdensome to others are lost if a legitimate prescription or tacit renunciation is added.

[*Latin ed. p. 22*]

Codex Iuris Canonici CAN. 77. The privilege also ceases, if, with the passage of time, circumstances are so altered, according to the judgment of the Superior, that it becomes harmful, or if its use becomes illicit; also, upon the expiration of the time, or the completion of the number of cases

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for which the privilege was granted, according to the firm prescription of canon 207, § 2.

CAN. 78. He who abuses the power granted to him by a privilege deserves to be deprived of that very privilege; and the Ordinary shall not fail to warn the Holy See if anyone abuses a privilege granted by the same See in a serious manner.

CAN. 79. Although privileges, obtained from the Holy See, are helpful to the petitioner in the forum of conscience, nevertheless, no one can claim the use of any privilege against anyone in the external forum, unless he legitimately proves that the privilege was granted to him.

TITULUS V I. Concerning Dispensations.

CAN. 80. A dispensation, or the relaxation of a law in a particular case, can be granted by the author of the law, by his successor, or by a Superior, as well as by him to whom the power to grant dispensations has been given.

CAN. 81. Ordinaries within the Roman Pontiff cannot grant dispensations from general laws of the Church, not even in a particular case, unless this power has been expressly or implicitly granted to them, or unless recourse to the Holy See is difficult, and at the same time there is a danger of a serious loss, and the dispensation pertains to one that is usually granted by the Apostolic See.

CAN. 82. Bishops and other Ordinaries of places are empowered to grant dispensations in diocesan laws, and in the laws of the provincial council and plenary council, according to canon 291, § 2, but not in the laws specifically enacted by the Roman Pontiff for that particular territory, unless according to canon 81.

CAN. 83. Rectors are not empowered to grant dispensations from either the general law or the particular law, unless this power has been expressly granted to them.

CAN. 84. § 1. From ecclesiastical law, a dispensation should not be granted without a just and reasonable cause, taking into account the importance of the law from which the dispensation is granted; otherwise, a dispensation granted by an inferior is illicit and invalid.

[*Latin ed. p. 23*]

Book One - General Norms 23 § 2. A dispensation, when there is doubt concerning the sufficiency of the cause, may be lawfully requested and may be lawfully and validly granted. CAN. 85. A strict interpretation is required not only for the dispensation according to canon 50, but also for the very faculty of dispensing granted for a particular case. CAN. 86. A dispensation which has a continuing effect ceases in the same ways as a privilege, and

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also by a certain and complete cessation of the motivating cause.

[*Latin ed. p. 24*]

Codex Juris LIBER Secundus Canonici

CAN. 87. Per Baptismum, homo constitueatur persona in Ecclesia Christi, cum omnibus iuribus et officiis Christianorum, nisi, quod ad iura pertinet, obstet impedimentum, vinculum ecclesiasticae communionis impediens, vel lata ab Ecclesia censura.

CAN. 88. § 1. Persona quae vicesimum primum annum aetatis implevit, maior est; infra hanc aetatem, minor.

§ 2. Minor, si masculus, censetur pubes a decimoquarto, si femina, a duodecimo anno completo.

§ 3. Impubes, ante plenum septennium, dicitur infans seu puer vel parvulus et censetur non sui compos; expleto autem septennio, usum rationis habere praesumitur. Infanti assimilantur quotquot usu rationis sunt habitu destituti.

CAN. 89. Persona maior plenum habet suorum iurium exercitium; minor in exercitio suorum iurium potestati parentum vel tutorum obnoxia manet, iis exceptis in quibus ius minores a patria potestate exemptos habet.

CAN. 90. § 1. Locus originis filii, etiam neophyti, est ille in quo, cum filius natus est, domicilium, aut, in defectu domicilii, quasi-domicilium habebat pater vel, si filius sit illegitimus aut postumus, mater.

§ 2. Si agatur de filio vagorum, locus originis est ipsemet nativitatis locus; si de exposito, est locus in quo inventus fuit.

CAN. 91. Persona dicitur: incoa, in loco ubi domicilium; advena, in loco ubi quasi-domicilium habet; peregrinus, si versetur extra domicilium et quasi-domicilium quod adhuc retinet; vagus, si nullibi domicilium habeat vel quasi-domicilium.

CAN. 92. § 1. Domicilium acquiritur commoratione in aliqua paroecia aut quasi-paroecia, aut saltem in dioecesi, vicariatu apostolico, praefectura apostolica; quae commoratio vel coniuncta sit cum animo ibi perpetuo manendi, si nihil inde avocet, vel sit protracta ad decennium completum.

§ 2. Quasi-domicilium acquiritur commoratione uti supra, quae vel...

[*Latin ed. p. 25*]

Book Second - Concerning Persons 25, it should be joined with the intention of remaining there for at least a significant portion of the year, unless something else draws one away, or it is truly extended for a greater portion of the year. § 3. Domicile or quasi-domicile in a parish or quasi-parish is called parochial; in a diocese, vicariate, or prefecture, but not in a parish or quasi-parish, it is called diocesan. CAN. 93. § 1. The wife, not lawfully separated from her husband, necessarily retains the domicile of her husband; the minor, the domicile of his guardians; the minor, the

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domicile of the one to whose authority he is subject. § 2. A minor, having left home, may acquire a quasi-domicile of his own; likewise, a wife not lawfully separated from her husband, but lawfully separated, may also have a domicile. CAN. 94. § 1. Whether through domicile or quasi-domicile, each person is assigned to a parish and Ordinary. § 2. The proper parish priest or Ordinary of a vagrant is the parish priest or Ordinary of the place where the vagrant actually resides. § 3. Also, for those who have only a diocesan domicile or quasi-domicile, the proper parish priest is the parish priest of the place where they actually reside. CAN. 95. Domicile and quasi-domicile are lost by leaving a place with the intention of not returning, except as prescribed in canon 93. CAN. 96. § 1. Consanguinity is calculated by lines and degrees. § 2. In a direct line, there are as many degrees as generations, or as many persons, excluding the ancestor. § 3. In a collateral line, if both lines are equal, there are as many degrees as generations in one line; if the two lines are unequal, there are as many degrees as generations in the longer line. CAN. 97. § 1. Affinity arises from a valid marriage, whether consummated or not, and also from a consummated marriage. § 2. It is valid between the husband and the consanguineous relatives of the wife, and also between the wife and the consanguineous relatives of the husband. § 3. It is calculated in such a way that those who are consanguineous to the husband are in the same line and degree of affinity to the wife, and vice versa. CAN. 98. § 1. Among the various Catholic rites, a person belongs to that rite whose ceremonies he was baptized in, unless, forsooth, the baptism was conferred by a minister of a different rite, or by fraud, or out of grave necessity, when a priest of his own rite was not available, or by apostolic dispensation.

[*Latin ed. p. 26*]

26. The Code of Canon Law provides that someone may be baptized according to a particular rite, while still remaining attached to their own. § 2. Clergy are in no way to presume to induce either Latins to adopt the Eastern rite, or Easterners to adopt the Latin rite. § 3. No one is permitted, without the permission of the Apostolic See, to pass over to another rite, or, after a legitimate change, to return to the former. § 4. It is permissible for a woman of a different rite to pass over to the rite of her husband, either upon entering into marriage or during its duration; but after the marriage is dissolved, she is free to reclaim her own rite, unless something else is provided for by particular law. § 5. Custom, even if long-standing, does not permit the reception of a rite foreign to the sacred Synaxis, and does not entail a change of rite.

CAN. 99. In the Church, besides physical persons, there are also moral persons, established by public authority, which are distinguished into moral persons collegiate and non-collegiate, such as churches, seminaries, benefices, etc.

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CAN. 100. § 1. The Catholic Church and the Apostolic See have the nature of a moral person by reason of their divine institution; other lower moral persons in the Church acquire this nature either by the very prescription of law, or by a special concession granted by a competent ecclesiastical superior through a formal decree, for a religious or charitable purpose. § 2. A moral person collegiate cannot be constituted unless from at least three physical persons. § 3. Moral persons, whether collegiate or non-collegiate, are equated with minors.

CAN. 101. § 1. Concerning the acts of collegiate moral persons: 1.° Unless otherwise expressly prescribed by common or particular law, that which pleases the absolutely larger part of those who vote, without any suffrage, has the force of law, or, after two unsuccessful scrutinies, the relatively larger part in the third scrutiny; if the votes are equal, after the third scrutiny, the president resolves the tie by his own vote, or, if the matter concerns elections and the president does not wish to resolve the tie by his own vote, the one who is senior in order or in profession or in age is elected; 2.° That which concerns all, as individuals, must be approved by all. § 2. If the matter concerns the acts of non-collegiate moral persons, the particular statutes and norms of common law which concern the same persons are to be observed.

CAN. 102. § 1. A moral person, by its very nature, is perpetual; however, it is extinguished if it is suppressed by legitimate authority, or if it ceases to exist for a period of one hundred years.

[*Latin ed. p. 27*]

Book II, On Persons, § 27. If even one of the members of a collegiate body remains, the right pertaining to all devolves upon that one.

Canon 103. § 1. Acts which a person, whether physical or moral, performs by virtue of an external force to which resistance is impossible, are considered void.

§ 2. Acts performed under grave and unjust fear, or by deceit, are valid, unless otherwise provided by law; but they may be annulled, either at the request of the injured party or ex officio, according to the norms of canons 1684-1689, by the judgment of a judge.

Canon 104. Error renders an act void if it concerns that which constitutes the substance of the act, or if it relates to a condition without which the act is not valid; otherwise, the act is valid, unless otherwise provided by law; but in contracts, error may give rise to a right of rescission according to the law.

Canon 105. When the law requires a Superior to act with the consent or advice of certain persons:

1°. If consent is required, the Superior acts invalidly against the will of those persons; if only advice is required, it is sufficient for the Superior

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to validly act if he hears those persons; although he is not bound by their opinion, even if they agree, it is very important, if several persons are to be heard, to consider their concurring opinions, and not to depart from them without a sufficient reason;

2°. If the consent or advice of not only one or another person, but of several persons together, is required, those persons must be lawfully convened, saving the prescription of canon 162, § 4, and must express their opinion; the Superior, according to his prudence and the importance of the matter, may require them to swear to maintain secrecy;

3°. All those required for consent or advice must, with due reverence, faith, and sincerity, express their opinion.

Canon 106. Regarding precedence among various persons, whether physical or moral, the following norms are observed, saving the special norms which are laid down in their respective places:

1°. He who represents another person has precedence; but those who are present at councils and other similar assemblies in a representative capacity, sit behind those of the same rank who are present in their own name;

2°. He who has authority over persons, whether physical or moral, has the right of precedence over them;

3°. Among different ecclesiastical persons, of whom none has authority over the others: those who belong to a higher rank precede those who are of a lower rank; among persons of the same rank but not of the same order, he who holds a higher order precedes those who are in a lower position; finally, if they belong to the same rank and the same order.

[*Latin ed. p. 28*]

28. The Code of Canon Law states that he who is promoted to a rank precedes the one who is earlier promoted; if they are promoted at the same time, the one with the earlier ordination precedes, unless the one who is junior in ordination was ordained by the Roman Pontiff; and if they receive the order at the same time, the one older in age precedes. 4.° In precedence, the diversity of rites is not considered. 5.° Among various moral persons of the same species and rank, the one who is in peaceful quasi-possession of precedence precedes, and, if this is not known, the one who was established earlier in the place where the question arises; among members of a particular college, the right of precedence is determined by its own legitimate constitutions; otherwise, by legitimate custom; failing that, by the prescription of common law. 6.° It is for the Ordinary in his diocese to establish precedence among his subjects, taking into account the principles of common law, legitimate diocesan customs, and the offices entrusted to them; and all disputes concerning precedence, even among exempt persons, are to be settled in urgent cases, removing all suspensive appeals, but

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without prejudice to the rights of each. 7.° Concerning those who belong to the pontifical household, precedence is to be regulated according to the special privileges, rules, and traditions of that pontifical household.

CAN. 107. By divine institution, clerics are distinguished from laypersons in the Church, although not all clerics are of divine institution; both, however, can be religious.

PART ONE ON CLERICS

SECTION I. On clerics in general.

CAN. 108. § 1. Those who are dedicated to the divine ministry by at least the first tonsure are called clerics.

§ 2. Not all are in the same rank, but among them there is a sacred hierarchy in which some are subordinate to others.

§ 3. By divine institution, the sacred hierarchy consists of Bishops, priests, and ministers, according to order; according to jurisdiction, the supreme pontificate and the subordinate episcopate; and by the institution of the Church, other ranks have been added.

CAN. 109. Those who are co-opted into the ecclesiastical hierarchy are not admitted by the consent of the people or secular power, nor by a secular calling; but they are constituted in the ranks of authority by sacred ordination; in the supreme pontificate.

[*Latin ed. p. 29*]

Book Second - Concerning Persons 29, by the very law of God, having fulfilled the condition of legitimate election and its acceptance; in the remaining degrees of jurisdiction, by canonical mission.

<• C A N. 110. Although Prelates, for the sake of honor, are sometimes granted titles by the Apostolic See, even to certain clerics without any jurisdiction, nevertheless, clerics, whether secular or religious, who possess ordinary jurisdiction in the external forum, are properly called clerics of the Prelate.

TITLE I. Concerning the assignment of clerics to a diocese.

C A N. 111. § 1. Every cleric must be assigned either to a diocese or to a religious order, so that no wandering clerics are admitted.

§ 2. By the reception of the first tonsure, a cleric is assigned, or, as they say, incardinated, to the diocese for whose service he was promoted.

C A N. 112. Except for the cases mentioned in canons 114 and 641, § 2, in order for a cleric to be validly incardinated in a foreign diocese, he must obtain letters signed by his own Ordinary, granting perpetual and absolute excardination, and from the Ordinary of the foreign diocese, letters signed by him granting equally perpetual and absolute incardination.

C A N. 113. The Vicar General cannot grant excardination and incardi-

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nation without a special mandate, nor can the Vicar Capitular, except after one year from the vacancy of the episcopal see and with the consent of the Chapter.

C A N. 114. Excardination and incardination take place if a cleric obtains a benefice with a residence in a foreign diocese, with the written consent of his own Ordinary, or with a written license granted by the same to leave the diocese permanently.

C A N. 115. Also, by making a religious profession, one is excardinated from one's own diocese, according to canon 585.

C A N. 116. Excardination cannot be granted without just cause, and it does not take effect unless it is followed by incardination in another diocese, of which the Ordinary of that diocese should promptly inform the former Ordinary.

C A N. 117. The Ordinary should not grant incardination to a foreign cleric unless: 1.° The necessity or utility of the diocese requires it, and with due observance of the laws concerning the canonical title of ordination;

[*Latin ed. p. 30*]

30. Codex Iuris Canonici, can. 2: Si legitimo documento ei constiterit quod legitima excardinatione obtinuit, et praeterea, si opus sit, a Curia dimittente, sub secreto, habuerit testimonia opportuna de natalibus, vita, moribus et studiis clericorum, maxime si agatur de incardinandis clericis linguae et nationis diversae; Ordinarius autem dimittens, graviter onerata conscientia sua, debet vigilare ut testimonia conformia sint veritati. 3. Clericus coram eodem Ordinario, seu eius delegato, iuramento declaravit se in perpetuum novae dioecesis servitio velle addici ad normam sacrorum canonum.

TITULUS II. De iuribus et privilegiis clericorum.

CAN. 118. Soli clerici possunt potestatem sive ordinis sive iurisdictionis ecclesiasticae, et beneficia ac pensiones ecclesiasticas obtinere.

CAN. 119. Omnes fideles debent clericis, pro diversis eorum gradibus et muneribus, reverentiam, et sacrilegii delicto se commaculantes, si quando clericis realem iniuriam intulerint.

CAN. 120. § 1. Clerici in omnibus causis, sive contentiosis sive criminalibus, apud iudicem ecclesiasticum conveniri debent, nisi aliter pro locis particularibus legitime provisum fuerit.

§ 2. Patres Cardinales, Legati Sedis Apostolicae, Episcopi etiam titulares, Abbates vel Praelati nullius, maiores religionum iuris pontificii superiores et officiales maiores Romanae Curiae, ob negotia ad ipsorum munus pertinentia, apud iudicem laicum conveniri nequeunt sine venia Sedis Apostolicae; ceteri privilegio fori gaudentes, sine venia Ordinarii loci in quo causa peragitur; quam tamen licentiam Ordinarius, praesertim cum actor est laicus, ne deneget sine iusta et gravi causa, tum maxime cum controver-

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siae inter partes componendae frustra operam dederit.

§ 3. Si nihilominus ab eo qui nullam praehabuerit veniam, conveniantur, possunt, ratione necessitatis, ad vitanda maiora mala comparere; certiore tamen facto Superiore a quo venia obtenta non fuit.

CAN. 121. Clerici omnes a servitio militari, a muneribus et publicis civilibus officiis a statu clericali alienis immunes sunt.

CAN. 122. Clericis qui creditoribus satisfacere coguntur, salva sint quae ad honestam sui sustentationem, prudenti ecclesiastici iudicis arbitrio, sunt necessaria, firma tamen eorundem obligatione creditoribus quamprimum satisfaciendi.

[*Latin ed. p. 31*]

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31. Canon 123. A cleric may not renounce the privileges mentioned; but he loses them if he is reduced to the lay state, or if he is deprived of the ecclesiastical habit by a perpetual sentence, according to canon 230. However, he regains them if this penalty is remitted, or if he is admitted again among the clergy.

TITLE III. Of the obligations of clerics.

Canon 124. Clerics ought to lead a more holy life, both internally and externally, than laymen, and they ought to excel before them in virtue and in good works, as an example.

Canon 125. The Ordinary of each place should see to it that: 1.° All clerics frequently cleanse the stains of sin through the sacrament of Penance; 2.° That they devote themselves daily to mental prayer for some time, visit the most holy Sacrament, venerate the most holy Virgin with the Marian rosary, and examine their conscience.

Canon 126. All secular priests are to withdraw, at least once every three years, for a time to be determined by their Ordinary, for spiritual exercises, in some pious or religious house designated by the same Ordinary; and no one shall be excused from this, except in a particular case, for a just reason, and with the express permission of the same Ordinary.

Canon 127. All clerics, and especially priests, are bound by a special obligation to show reverence and obedience to their respective Ordinary.

Canon 128. Whenever and for as long as the necessity of the Church requires it, and unless a legitimate impediment excuses them, clerics must accept and faithfully fulfill the office that has been entrusted to them by the Bishop.

Canon 129. After receiving the priesthood, clerics, especially priests, must not interrupt their studies, particularly sacred studies; and in sacred disciplines, they must follow that solid doctrine handed down by the ancients and commonly received by the Church, avoiding profane novelties of words and the false science.

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Canon 130. § 1. After completing their studies, all priests, even if they have obtained a parochial or canonical benefice, unless excused by the Ordinary of the place for a just cause...

[*Latin ed. p. 32*]

32. Those who have been dispensed from the Code of Canon Law must, for at least three full years, undergo an examination annually in various disciplines of the sacred sciences, previously designated, according to the method to be determined by the same Ordinary. § 2. In the collation of offices and ecclesiastical benefices, consideration shall be given to those who, all other things being equal, have distinguished themselves more in the aforementioned matters.

CAN. 131. § 1. In the episcopal city and in each vicariate forane, meetings shall be held more frequently during the year, on days determined at the discretion of the local Ordinary, concerning moral and liturgical matters; to which may be added other exercises which the Ordinary deems suitable for promoting the knowledge and piety of the clergy. § 2. If it is difficult to hold meetings, written solutions to the questions should be sent, according to the norms established by the Ordinary. § 3. All secular priests, as well as religious, even those holding the care of souls, and also other religious who have obtained from the Ordinary the faculty to hear confessions, are required to attend the meeting, or, if a meeting is lacking, to send in a written solution to the cases, unless they have previously obtained an express exemption from the local Ordinary.

CAN. 132. § 1. Clergy established in the higher orders are to abstain from marriage and are bound by the obligation to maintain chastity, so that those who sin against it are also guilty of sacrilege, with the exception of the provision in can. 214, § 1. § 2. Clergy of the lower orders may indeed enter into marriage, but, unless the marriage is null by reason of violence or fear inflicted upon them, they are, by law, removed from the clerical state. § 3. A married man who, without an apostolic dispensation, has received the higher orders, even in good faith, is prohibited from exercising the functions of those orders.

CAN. 133. § 1. Clergy are to take care not to retain or in any way frequent women of whom suspicion may arise. § 2. It is permissible for them to live with only those women in whom natural law does not permit any suspicion, such as a mother, sister, aunt, and the like, or from whom, with advancing years and joined to honest conduct, all suspicion is removed. § 3. It belongs to the local Ordinary to judge whether, in a particular case, retaining or frequenting women, even those in whom suspicion does not commonly fall, may be a cause of scandal or may lead to incontinence, and he is empowered to prohibit clergy from such retention or frequentation. § 4. Those who are contumacious are presumed to be living in concubinage.

CAN. 134. The common life among clergy is to be praised and encour-

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aged, and where it flourishes, it should be maintained as much as possible.

[*Latin ed. p. 33*]

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CANON 135. Clerics, those established in the higher orders, with the exception of those mentioned in canons 213 and 214, are bound to recite the canonical hours daily in their entirety, according to their own liturgical books, which are approved.

CANON 136. § 1. All clerics shall wear suitable ecclesiastical attire, according to the legitimate customs of the place and the prescriptions of the local Ordinary; they shall wear the tonsure or clerical crown, unless the customs of the people require otherwise; and they shall maintain a simple style of haircut.

§ 2. They shall not wear a ring, unless it has been granted to them by law or by apostolic privilege.

§ 3. Clerics of lesser orders who, without a legitimate reason, have abandoned their ecclesiastical attire and tonsure, and who, after being warned by the Ordinary, have not corrected themselves within one month, are, by law, removed from the clerical state.

CANON 137. A cleric is prohibited from engaging in any business, even with his own property, without the consent of the local Ordinary.

CANON 138. Clerics shall abstain entirely from all things that are unbecoming of their state: they shall not practice indecent arts; they shall not engage in games of chance, where money is at stake; they shall not carry weapons, unless there is a just reason for fearing danger; they shall not indulge in hunting; and they shall never engage in poaching; they shall not enter taverns or other similar places without necessity or for some other just cause approved by the local Ordinary.

CANON 139. § 1. They shall also avoid those things which, although not unbecoming, are nevertheless foreign to the clerical state.

§ 2. Without an apostolic indult, they shall not practice medicine or surgery; they shall not act as notaries, unless in the ecclesiastical court; they shall not assume public offices which involve the exercise of lay jurisdiction or administration.

§ 3. Without the permission of their Ordinary, they shall not engage in the management of property belonging to laypersons, nor in secular offices which involve the burden of rendering accounts; they shall not exercise the office of procurator or advocate, unless in the ecclesiastical tribunal, or in the civil court when it concerns their own cause or that of their church; in a lay criminal trial, where a severe personal penalty is at stake, they shall have no part in it, nor shall they give testimony unless it is necessary.

§ 4. They shall not seek or accept the office of senator or orator for the enactment of laws, whom they call "deputies," without the permission of

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the Holy See in places where a pontifical prohibition exists; nor shall they attempt to obtain such a position in other places without the permission of both their own Ordinary and the Ordinary of the place where the election is to be held.

[*Latin ed. p. 34*]

34. Codex Iuris CAN. Canonici 140. Clerici ne participent in spectaculis, choris et pompa quae eos dedecent, vel quibus eorum participatio scelus esset, praesertim in publicis theatris.

CAN. 141. § 1. Voluntarii ne capiant militiam saecularem, nisi cum licentia sui Ordinarii, ut citius liberi evadant, id fecerint; neve intestinis bellis et ordinis publici perturbationibus auxilium quoquo modo praestaverint.

§ 2. Clericus minor qui contra praescriptum § 1 sponte sua militiae nomen dederit, ipso iure e statu clericali decidit.

CAN. 142. Clericis prohibetur per se vel per alios negotiationem aut mercaturam exercere, sive ad propriam, sive ad aliorum utilitatem.

CAN. 143. Clerici, licet beneficium aut officium residentiale non habeant, a sua tamen dioecesi per notabile tempus sine licentia saltem praesumpta Ordinarii proprii ne discedant.

CAN. 144. Qui cum licentia sui Ordinarii in aliam dioecesim transierit, suae dioecesi manens incardinatus, revocari potest, iusta de causa et naturali aequitate servata; et etiam Ordinarius alienae dioecesis potest ex iusta causa eidem denegare licentiam ulterioris commorationis in proprio territorio, nisi beneficium eidem contulerit.

TITULUS I V. De officiis ecclesiasticis.

CAN. 145. § 1. Officium ecclesiasticum, lato sensu, est quilibet munus quod in spiritualem finem legitime exercetur; stricto autem sensu, est munus ordinatione sive divina sive ecclesiastica stabiliter constitutum, ad normam sacrorum canonum conferendum, aliquam saltem secumferens participationem ecclesiasticae potestatis sive ordinis sive iurisdictionis.

§ 2. In iure, officium ecclesiasticum accipitur stricto sensu, nisi aliud ex contextu sermonis appareat.

CAN. 146. De beneficialibus officiis in specie, praeter canones qui sequuntur, custodiantur insuper praescripta can. 1409 seqq.

[*Latin ed. p. 35*]

Book Second - Concerning Persons

35. CHAPTER I. Concerning the Provision of Ecclesiastical Offices.

CAN. 147. § 1. An ecclesiastical office cannot be validly obtained without canonical provision.

§ 2. By the term ”canonical provision” is meant the granting of an ecclesiastical office by a competent ecclesiastical authority, in accordance with the sacred canons.

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CAN. 148. § 1. The provision for an ecclesiastical office is made either by free collation from a legitimate Superior, or by his institution, if it precedes a presentation by a patron or a nomination, or by his confirmation or admission, if it precedes an election or a petition, or finally, by a simple election and the acceptance of the elected, if the election does not require confirmation.

§ 2. Concerning the provision of offices by institution, the prescriptions of canons 1448-1471 are to be observed.

CAN. 149. Those elected, petitioned for, presented, or nominated by any persons for ecclesiastical offices, are not to be confirmed, admitted, or instituted by a Superior under the Roman Pontiff, unless they have previously been declared suitable by their own Ordinary, even through examination, if this is required by the law or the nature of the office, or if the Ordinary deems it opportune.

CAN. 150. § 1. A provision for an office that is, by law, not vacant, according to canon 183, § 1, is, by its very nature, invalid, and is not validated by a subsequent vacancy.

§ 2. Nor does a promise of the same office, made by anyone, have any legal effect.

CAN. 151. An office that is, by law, vacant, which is, perhaps, still held by someone illegitimately, can be conferred, provided that it has been duly declared, according to the sacred canons, that such possession is not legitimate, and that mention of this declaration is made in the letters of collation.

ARTICLE I. — Concerning Free Collation.

CAN. 152. The Ordinary of the place has the right to provide ecclesiastical offices within his own territory, unless otherwise is proven; however, the Vicar General lacks this power without a special mandate.

CAN. 153. § 1. To be promoted to a vacant office, one must be a cleric, endowed with those qualities which are required by common or particular law, or by the law of foundation, for the same office.

[*Latin ed. p. 36*]

3. Codex Iuris Canonici § 2. Let the most suitable candidate be chosen, without any favoritism. § 3. If a candidate lacks the required qualifications, the appointment is invalid, if so stipulated by common or particular law, or by the founding charter; otherwise, it is valid, but may be declared invalid by a legitimate superior. CAN. 154. Offices that involve the care of souls, either externally or internally, cannot validly be conferred upon clerics who have not yet been initiated into the priesthood. CAN. 155. The appointment to an office to which no specific term has been prescribed by special law, shall never be deferred beyond six months, reckoned from the date of notification of the vacancy, in accordance with the firm prescription of canon 458. CAN. 156. § 1. No one shall be entrusted with two incompatible offices. § 2.

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Offices are incompatible when they cannot be simultaneously fulfilled by the same person. § 3. In accordance with canon 188, n. 3, the granting of another office by the Apostolic See is not valid, unless mention is made of the prior incompatible office in a formal document, or a clause of derogation is added. CAN. 157. An office that becomes vacant through resignation or by a sentence of deprivation cannot validly be conferred by the Ordinary who accepted the resignation or pronounced the sentence, upon himself, or upon relatives by blood or marriage up to the second degree inclusive. CAN. 158. Whoever confers an office, either through negligence or incompetence, does not thereby acquire any authority over the appointed individual; but the legal status of the appointed individual is established as if the appointment had been made in accordance with the ordinary norms of law. CAN. 159. The appointment to any office shall be recorded in writing. ART. V. — Concerning Elections. CAN. 160. The election of the Roman Pontiff is governed solely by the Constitution of Pius X, *Vacante Sede Apostolica*, dated December 25, 1904; in other ecclesiastical elections, the prescriptions of the following canons shall be observed, and any special provisions that have been legitimately established for each office. CAN. 161. If a college has the right to elect to a vacant office, the election shall never be deferred beyond one quarter of a year, unless otherwise provided by law.

[*Latin ed. p. 37*]

Book Second - Concerning Persons

37. Regarding the lapse of time after notification of a vacancy in an office; after this period has unproductively elapsed, the ecclesiastical superior, to whom the right to confirm the election or to provide for the vacancy belongs, freely provides for the vacant office.

C A N. 162. § 1. Unless otherwise provided by special constitutions or customs, the president of the college, in the manner prescribed by the statutes, at a time and place convenient for the electors, shall summon all members of the college; and the summons is valid if it is made either at the place of domicile or quasi-domicile, or at the place of residence.

§ 2. If anyone, having been summoned, is absent due to neglect, the election is valid; but at his request, if the omission and absence are proven, the election must be declared invalid by the competent superior, even after confirmation, provided that it is legally established that a recourse was transmitted at least within three days from the notification of the election.

§ 3. If more than one-third of the electors have been neglected, the election is null by law.

§ 4. The defect in the summons does not prevent the election if those who were overlooked nevertheless attended.

§ 5. If the election concerns an office which the elected person holds for life, the summons of the electors before the vacancy of the office has no

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legal effect.

C A N. 163. Following a legitimate summons, the right to elect belongs to those who are present on the day of the summons, as prescribed, excluding the faculty of giving votes not only by letter, but also by proxy, unless a special law provides otherwise.

C A N. 164. Although someone may have several titles that give him the right to cast his own vote, he can cast only one.

C A N. 165. No person outside the college can be admitted to vote, unless he has legitimately obtained special privileges; otherwise, the election is null by its very nature.

C A N. 166. If laypersons interfere in any way with a canonical ecclesiastical election, the election is invalid by law.

C A N. 167. § 1. The following are not permitted to vote:

1.° Those who are incapable of human action;

2.° Minors;

3.° Those affected by a legal censure or infamy, after a declaratory or condemnatory sentence;

4.° Those who have taken the name of a heretical or schismatic sect, or who have publicly adhered to it.

[*Latin ed. p. 38*]

38. The Code of Canon Law, Book 5, addresses those who lack the right to vote, either because they are without the active voice [i.e., are not members of the electing body], or by a legitimate judgment of the judge, or by common or particular law. § 2. If anyone is admitted from the aforementioned categories, his vote is null, but the election is valid, unless it is established that, without him, the elected did not reach the required number of votes, or unless a person knowingly admitted who is excommunicated by a declaratory or condemnatory sentence.

CAN. 168. If one of the electors is present in the house where the election takes place, but is unable to participate in the election due to illness, his written vote shall be obtained by the scrutineers, unless otherwise established by particular laws or legitimate customs.

CAN. 169. § 1. A vote is null unless it is: 1.° Free; and therefore, a vote is invalid if the elector has been coerced by grave fear or deceit, directly or indirectly, to elect a specific person or persons disjunctively; 2.° Secret, certain, absolute, and determinate.

§ 2. Conditions imposed on the vote before the election are considered as not attached.

CAN. 170. No one can validly give a vote to himself.

CAN. 171. § 1. Before the election, by secret ballot, at least two scrutineers shall be chosen from the body of the college, who, together with the presi-

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dent, if he also is from the body of the college, shall take an oath to faithfully fulfill their duties and to maintain secrecy regarding the acts performed in the election, even after the election is completed.

§ 2. The scrutineers shall ensure that the votes are presented secretly, diligently, individually, and in the order established by each elector; after all the votes have been collected, before the president of the election, they shall examine whether the number of votes corresponds to the number of electors, they shall examine the votes themselves, and they shall publicly announce how many each person has received.

§ 3. If the number of votes exceeds the number of electors, nothing is done.

§ 4. The votes shall be immediately burned after each scrutiny, or after the session, if there are multiple scrutinies in the same session.

§ 5. All acts of the election shall be accurately described by the one who performs the duties of the secretary, and shall be signed by the secretary, the president, and the scrutineers, and diligently preserved in the college's archives.

CAN. 172. § 1. An election, unless otherwise provided by law, can also be held by compromise, if, namely, the electors, with unanimous and written consent, agree to one [candidate] or more.

[*Latin ed. p. 39*]

Book Second - Concerning Persons 39. More suitable persons, whether from within the body or from outside, shall be chosen to form the electoral college for that occasion, who, by the authority received, shall elect by the name of all.

§ 2. If it concerns a clerical college, the electors must be priests; otherwise, the election is invalid.

§ 3. The electors must observe the conditions for validity of the election that are attached to the electoral mandate, provided that these conditions are not contrary to common law; if no conditions have been added, the common law concerning elections must be observed; conditions that are contrary to common law are to be considered as not having been stipulated.

§ 4. If the electors have nominated only one person for the election, that person cannot elect himself; if more persons have been nominated as electors, none of them can, by their own consent, accede to the others who are electing him, so that he may complete his own election.

CAN. 173. The electoral mandate ceases, and the right to elect returns to those who granted the mandate: 1.° By revocation made by the college, restoring the situation to its original state; 2.° If any condition attached to the electoral mandate is not followed or is not observed; 3.° By an absolute election, if none is made.

CAN. 174. He is to be considered elected, and proclaimed by the presi-

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dent of the college, who has obtained the required number of votes, according to canon 101, § 1, n. 1.

CAN. 175. The election must be immediately announced to the elected person, who must, within eight days from the date of the announcement, manifest whether he consents to the election, or whether he declines it; otherwise, he loses all rights derived from the election.

CAN. 176. § 1. If the elected person declines, he loses all rights derived from the election, even if he later regrets the declination; but he can be elected again; however, the college must proceed to a new election within one month from the knowledge of the declination.

§ 2. If the elected person accepts the election, and does not require confirmation, he immediately obtains full rights; otherwise, he acquires only the right to the matter at hand.

§ 3. Before obtaining the accepted confirmation, it is not permitted for him, under the pretext of the election, to interfere with the administration of the office, whether in spiritual or temporal matters, and any acts performed by him are invalid.

CAN. 177. § 1. The elected person, if the election requires confirmation, must, within eight days from the day of the acceptance of the election, request confirmation from the competent Superior, either personally or through another; otherwise, he is deprived of all rights, unless he proves that he was justly prevented from requesting confirmation.

§ 2. The Superior, if he finds the elected person suitable, and the election has been carried out according to the law, cannot deny confirmation.

§ 3. Confirmation must be given in writing.

[*Latin ed. p. 40*]

Code of Canon Law 40 § 4. With the acceptance of the confirmation, the elected one obtains full right in the office, unless something else is provided for by law.

CAN. 178. If the election is not completed within the prescribed time, or if the college is deprived of the right to elect as a penalty, the provision of the office reverts to the Superior from whom the election was to be confirmed, or to whom the right to provide successively belongs.

ARTICLE III. — Concerning the petition.

CAN. 179. § 1. If an impediment exists against the election of the one whom the electors deem more suitable and prefer, concerning which a dispensation can be granted and is customarily granted, they can, unless otherwise provided for by law, petition the competent Superior, even if it concerns an office for which the elected one does not require confirmation, with their own votes.

§ 2. Compromisers cannot petition, unless it is expressly stated in the mandate or agreement.

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CAN. 180. § 1. In order for the petition to be valid, a majority of the votes must be in favor of it; indeed, if it occurs together with the election, at least two-thirds of the votes are required.

§ 2. The vote in favor of the petition must be expressed by the word: "I petition," or an equivalent; the formula: "I elect or I petition," or an equivalent, is valid for the election, if no impediment exists; otherwise, it is valid for the petition.

CAN. 181. § 1. The petition must be sent to the Superior to whom it pertains to confirm the election, if he has the power to grant a dispensation, within at least eight days; otherwise, to the Roman Pontiff or to another who has the power.

§ 2. If the petition is not sent within the prescribed time, it is automatically invalid, and the electors are deprived of the right to elect or petition for that occasion, unless they prove that they were justly detained from sending the petition.

§ 3. By the petition, no right is acquired to the petition, and it is permissible for the Superior to reject it.

§ 4. The electors cannot revoke a petition presented to the Superior, unless with the consent of the Superior.

CAN. 182. § 1. If the petition is rejected by the Superior, the right to elect reverts to the college, unless the electors knowingly petitioned for one who is subject to an impediment in which a dispensation cannot or is not customarily granted; in that case, the provision pertains to the Superior.

§ 2. If the petition is accepted, this must be signified to the petitioner, who must respond according to canon 175.

§ 3. If he accepts it, full right in the office is immediately acquired by him.

[*Latin ed. p. 41*]

Book Second - On Persons, CHAPTER 41, II. On the loss of ecclesiastical offices. CANON 183. § 1. An ecclesiastical office is lost by resignation, deprivation, removal, transfer, or the lapse of a predetermined time. § 2. An ecclesiastical office is not lost by the rescission, in any way, of the right of the Superior by whom it was granted, unless the law provides otherwise, or unless the grant contains a clause such as: "at our pleasure," or another equivalent phrase. CANON 184. Any person may, for a just cause, resign from an ecclesiastical office, unless a special prohibition against resignation has been imposed upon him. CANON 185. A resignation made out of grave fear, unjustly induced, by deceit, or by a substantial error, or by simony, is invalid by its very nature. CANON 186. For a resignation to be valid, it must be made either in writing or orally, by the person resigning, before two witnesses, or also by a procurator duly authorized; and the written document of the resignation must be deposited in the Curia. CANON 187. § 1. Generally, for a resignation to be valid, it must be made to the person

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to whom it is to be received, or, if it does not require acceptance, to the person from whom the cleric received the office, or who holds the same office. § 2. Therefore, if the office was conferred by confirmation, admission, or institution, the resignation must be made to the Superior to whom, by law, the confirmation, admission, or institution pertains. CANON 188. By tacit resignation, which is admitted by law, any offices become vacant by their very nature and without any declaration, if the cleric: 1.° Has taken the religious habit, except concerning benefices, with the reservation contained in canon 584; 2.° Has neglected to assume the office to which he was appointed within the time prescribed by law, or, if no law exists, determined by the Ordinary; 3.° Has accepted another ecclesiastical office incompatible with the former, and has obtained peaceful possession of it; 4.° Has publicly defected from the Catholic faith; 5.° Has contracted marriage, even a civil marriage, as they say; 6.° Has voluntarily given his name to secular military service, contrary to the prescription of canon 141, § 1.

[*Latin ed. p. 42*]

Codex Iuris Canonici 7°. He who, with his own authority, has legitimately relinquished the ecclesiastical office, and has not, after being warned by the Ordinary, resumed it within one month from the date of the warning; 8°. He who has unlawfully deserted his residence, to which he is bound, and, after being warned by the Ordinary, without being detained by a legitimate impediment, has not obeyed or responded within a reasonable time defined by the Ordinary.

CAN. 189. § 1. Superiors shall not accept resignations without a just and proportionate reason. § 2. The Ordinary of the place shall, within one month, either accept or reject the resignation.

CAN. 190. § 1. The office becomes vacant after the resignation has been legitimately made and accepted, and after the acceptance has been communicated to the one who resigned. § 2. He who has resigned remains in office until he has received certain news of the acceptance by the Superior.

CAN. 191. § 1. Once a resignation has been legitimately made, there is no further place for repentance, although the one who resigned may obtain the office under another title. § 2. After a resignation has been accepted, due notice shall be given to those who have some right to the provision of the office.

CAN. 192. § 1. Deprivation of office occurs either by law itself, or by the legitimate act of a Superior. § 2. If the office is one that cannot be removed, the Ordinary cannot deprive the cleric of it, except through a process in accordance with the law. § 3. If the office is one that can be removed, the deprivation may be decreed by the Ordinary for any just cause, according to his prudent judgment, even without a crime, natural equity being observed; but he is not absolutely bound to follow any particular procedure, except as prescribed by the canons concerning removable parishes; however, the

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deprivation does not take effect until it has been communicated by the Superior; and recourse may be taken from the decree of the Ordinary to the Apostolic See, but only in a devolutive manner.

CAN. 193. § 1. A transfer from one ecclesiastical office to another can only be effected by him who has the right both to accept the resignation and to remove from the first office, and to promote to the second. § 2. For a transfer, if it is made with the consent of the cleric, any just cause is sufficient; if it is made against the will of the cleric, the same reasons are required, and the same procedure must be followed, as in the case of deprivation, according to the firm prescription of canons 2162-2167, which pertain to the transfer of pastors.

[*Latin ed. p. 43*]

Book Second - Concerning Persons 43 C A N. 194. § 1. In the translation of an office, the prior office is vacant when a cleric canonically takes possession of another's office, unless otherwise provided for by law or prescribed by a legitimate Superior. § 2. The revenue of the prior office, once translated, ceases, until another occupies it. C A N. 195. Those who elected, requested, or presented a cleric to an office, cannot deprive him of that office, nor revoke or remove him from it, nor transfer him to another. TITLE V. Concerning Ordinary and Delegated Power. C A N. 196. The power of jurisdiction or governance which exists in the Church by divine institution, is one thing in the external forum, another in the internal forum, or of conscience, whether sacramental or extra-sacramental. C A N. 197. § 1. Ordinary power of jurisdiction is that which is attached by law to an office; delegated power is that which is entrusted to a person. § 2. Ordinary power can be either proper or vicarious. C A N. 198. § 1. In law, by the name "Ordinary" are understood, unless expressly excluded, besides the Roman Pontiff, for his own territory, the residential Bishop, the Abbot or Prelate, and their General Vicars, Administrators, Vicars, and Apostolic Prefects, as well as those who, in the absence of the aforementioned, succeed according to the prescriptions of law or approved constitutions in governance, for their true subordinates; the Superiors are also understood in the major religious orders, except those exempt. § 2. By the name "Ordinary of the place or places" are understood all those mentioned, except for religious Superiors. C A N. 199. § 1. He who has ordinary power of jurisdiction, can delegate it to another, either in whole or in part, unless otherwise expressly provided for by law. § 2. Even delegated power of jurisdiction can be sub-delegated, either for a specific act, or even habitually, unless the person has been elected to Clairac, or sub-delegation is prohibited. § 3. The power of jurisdiction delegated for a specific matter by one who has ordinary power under the Roman Pontiff, can be sub-delegated in individual cases. § 4. In other cases, delegated power of jurisdiction can only be sub-delegated with

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[*Latin ed. p. 44*]

44. The Code of Canon Law does not permit delegated judges, even without express commission, to further delegate their jurisdiction. § 5. No delegated power can be further delegated, unless expressly permitted.

CAN. 200. § 1. The power of jurisdiction, whether ordinary or delegated for a specific matter, is to be interpreted broadly; all other powers are to be interpreted strictly; however, any power delegated is also understood to be granted, without which the same cannot be exercised. § 2. He who claims to be a delegate bears the burden of proving the delegation.

CAN. 201. § 1. The power of jurisdiction can be exercised directly only over those who are subject to it. § 2. Judicial power, whether ordinary or delegated, cannot be exercised for one's own benefit or outside the territory, except as prescribed in can. 401, § 1, 881, § 2, and 1637. § 3. Unless something else is evident from the nature of the matter or from the law, any power of jurisdiction, whether voluntary or non-judicial, can be exercised even for one's own benefit, or outside the territory, or over a subject who is absent from the territory.

CAN. 202. § 1. An act of jurisdiction, whether ordinary or delegated, conferred for the external forum, is also valid for the internal forum, but not conversely. § 2. A power conferred for the internal forum can also be exercised in the internal forum outside the sacraments, unless a sacramental requirement is specified. § 3. If the forum for which the power is granted is not expressly stated, the power is understood to be granted for both forums, unless something else is evident from the nature of the matter.

CAN. 203. § 1. A delegate who exceeds the limits of his mandate, whether in matters or in persons, acts ineffectually. § 2. However, a delegate is not considered to have exceeded his limits if he performs those things for which he was delegated in a manner that is pleasing to the delegating authority, unless that manner itself was prescribed by the delegating authority as a condition.

CAN. 204. § 1. The fact that someone appeals to a superior, bypassing an inferior, does not therefore suspend the inferior's power, whether that power is ordinary or delegated. § 2. Nevertheless, an inferior should not interfere with matters brought before the superior, unless for a serious and urgent reason; and in such a case, he should immediately inform the superior of the matter.

CAN. 205. § 1. If several persons have obtained a delegated jurisdiction for the same matter, and it is doubtful whether the delegation was made jointly or individually,

[*Latin ed. p. 45*]

Book Second - On Persons 45. It is presumed that a solid act is performed

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in a voluntary matter, and a collegial act in a judicial matter.

§ 2. If a delegation is made to several persons in a solid manner, those who previously held the matter exclude others, unless they are subsequently hindered or do not wish to proceed further in the matter.

§ 3. If a delegation is made to several persons in a collegial manner, all of them must proceed together for the validity of the act in carrying out the matter, unless something else is stipulated in the mandate.

CAN. 206. If a delegation is made successively to several persons, the one to whom the prior mandate was given must carry out the matter, unless the subsequent mandate expressly abrogates the prior one.

CAN. 207. § 1. The delegated power is extinguished when the mandate is fulfilled; when the time has elapsed or the number of cases for which it was granted has been exhausted; when the final cause of the delegation ceases; by the revocation of the delegating authority directly communicated to the delegate, or by the resignation of the delegate directly communicated to the delegating authority and accepted by him; but not by the resolution of the legal rights of the delegating authority, except in two cases, as mentioned in can. 61.

§ 2. But a power granted for the internal forum, if an act is performed through inadvertence, is valid even if the time has elapsed or the number of cases has been exhausted.

§ 3. If a delegation is made to several persons in a collegial manner, and one of them fails, the delegation of the others also expires, unless something else is stated in the terms of the delegation.

CAN. 208. According to can. 183, § 2, ordinary power is not extinguished by the resolution of the legal rights of the granting office, to which it is attached; but it ceases when the office is lost; it is suspended by a legitimate appeal, unless the appeal is only for the purpose of devolutive effect, as firmly prescribed in can. 2264, 2284.

CAN. 209. In a common error or in a positive and probable doubt, whether of law or of fact, the Church supplements the jurisdiction, both for the external and internal forum.

CAN. 210. The power of the order, whether attached to an office or entrusted to a person, by a legitimate ecclesiastical superior, cannot be demanded of others, unless it has been expressly granted by law or by indult.

TITLE V. On the reduction of clerics to the lay state.

CAN. 211. § 1. Although sacred ordination, once validly received, is never rendered invalid, a cleric may nevertheless be reduced to the lay state by a rescript of the Holy See, by a decree, or by a sentence, according to can. 214, and only as a penalty of degradation.

§ 2. A minor cleric returns to the lay state, not only by his own act, but

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also...

[*Latin ed. p. 46*]

46. The Code of Canon Law provides that, for reasons described in the law, or even by his own will, after being informed of the matter by the local Ordinary, or by a decree of the same Ordinary, a cleric may not be promoted to the sacred orders, if indeed the Ordinary, after careful consideration, judges that the cleric cannot, with propriety, maintain the clerical state. CAN. 212. § 1. He who, having been constituted in a lower order, returns to the lay state, and is to be received again among the clergy, requires the permission of the Ordinary of the diocese in which he was ordained, which shall not be granted unless, after a diligent examination of his life and morals, and after a suitable trial, judged appropriate by the Ordinary himself. § 2. A cleric of a higher order who returns to the lay state, in order to be received again among the clergy, requires the permission of the Holy See. CAN. 213. § 1. All those who have been legitimately transferred or returned from the clerical state to the lay state, thereby lose their offices, benefices, rights, and privileges of the clergy, and are forbidden to wear ecclesiastical garb and to receive the tonsure. § 2. However, a cleric of a higher order remains bound by the obligation of celibacy, except as prescribed in canon 214. CAN. 214. § 1. A cleric who, under grave duress, received the sacred order, and afterwards, when the duress is removed, considers the same ordination to be valid, at least tacitly through the exercise of the order, but who, by such an act, wishes to subject himself to the obligations of the clergy, may, after legitimate proof of the coercion and the absence of ratification, be restored to the lay state, without any obligations of celibacy or canonical hours. § 2. The coercion and the absence of ratification must be proven according to canons 3993-1998. SECTION II. Concerning specific clergy. CAN. 215. § 1. It belongs to the supreme ecclesiastical authority to erect, or otherwise define, divide, unite, or suppress ecclesiastical provinces, dioceses, abbeys or prelatures nullius, vicariates apostolic, or prefectures apostolic. § 2. In law, the term "diocese" also applies to an abbey or prelature nullius; and the term "Bishop" applies to an Abbot or Prelate nullius, unless the nature of the matter or the context of the speech indicates otherwise. CAN. 216. § 1. The territory of each diocese shall be divided into distinct territorial parts; and to each of these parts, a particular church with a determined people shall be assigned, and a particular rector shall be appointed as its proper pastor, for the necessary care of souls.

[*Latin ed. p. 47*]

Book Second - On Persons 47 § 2. In like manner, vicariates apostolic and prefectures apostolic, where it can conveniently be done, shall be divided. § 3. The parts of a diocese, of which mention is made in § 1, are parishes; the parts of a vicariate apostolic and a prefecture apostolic, if a particular rector

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has been assigned to them, are called quasi-parishes. § 4. Parishes cannot be established without a special apostolic indult, either because of the diversity of language or of the nation of the faithful residing in the same city or territory, nor can purely familial or personal parishes be established; and with regard to those already established, nothing shall be altered without the consultation of the Apostolic See. CANON 217. § 1. The bishop divides his territory into regions or districts, consisting of several parishes, which are called vicariates forane, deaneries, archpresbyterates, etc. § 2. If this division, because of circumstances, seems impossible or inopportune, the bishop shall consult the Holy See, unless the same has already provided for it. TITLE VII. On supreme power and on those who participate in the same ecclesiastical right. CHAPTER I. On the Roman Pontiff. CANON 218. § 1. The Roman Pontiff, the most blessed Peter's successor in the primacy, possesses not only the primacy of honor, but also supreme and full power of jurisdiction over the entire Church, both in matters pertaining to faith and morals, and in those pertaining to discipline and the government of the Church throughout the world. § 2. This power is truly episcopal, ordinary, and immediate, both over all and each church, and over all and each pastor and faithful, independent of any human authority. CANON 219. The Roman Pontiff, legitimately elected, immediately from the acceptance of the election, obtains, by divine law, the full power of supreme jurisdiction. CANON 220. Matters of greater importance which are reserved to the one Roman Pontiff, either by their nature or by positive law, are called reserved causes. CANON 221. If it should happen that the Roman Pontiff resigns, for the validity of his resignation, the acceptance of the Cardinals or others is not necessary.

[*Latin ed. p. 48*]

48. Code of Canon Law, CHAPTER II. Concerning the Ecumenical Council. CANON 222. § 1. An Ecumenical Council cannot be held unless it has been convened by the Roman Pontiff. § 2. It belongs to the same Roman Pontiff to preside over the Ecumenical Council, either personally or through others, to establish and designate the order of matters to be treated therein, to transfer the Council, to suspend it, to dissolve it, and to confirm its decrees. CANON 223. § 1. The following are called to the Council and have the right to deliberative suffrage: 1.° Cardinals of the Holy Roman Church, even if they are not Bishops; 2.° Patriarchs, Primates, Archbishops, and residential Bishops, even if not yet consecrated; 3.° Abbots or Prelates of nullius; 4.° The Abbot Primate, Superiors of monastic congregations, and the supreme superiors of clerical religious orders exempt, but not of other religious orders, unless the decree of convocation states otherwise. § 2. Even titular Bishops, called to the Council, obtain deliberative suffrage, unless otherwise expressly stipulated in the convocation. § 3. Theologians and experts in sacred canons, invited to the Council, do not

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have deliberative suffrage, but only consultative suffrage, unless otherwise determined. CANON 224. § 1. If anyone called to the Council, according to the norm of canon 223, § 1, is unable to attend due to a just impediment, he shall send a procurator and shall prove the impediment. § 2. If the procurator is one of the Fathers of the Council, he does not enjoy double suffrage; if he is not, he may only attend public sessions, but without suffrage; upon the conclusion of the Council, he has the right to subscribe its acts. CANON 225. No one who is required to attend the Council may depart before the Council has been duly concluded, unless the cause of his departure has been known and approved by the President of the Council, and he has obtained permission to leave. CANON 226. The Fathers may add other questions to those proposed by the Roman Pontiff, provided that they have been previously approved by the President of the Council. CANON 227. The decrees of the Council do not have the force of definitively obligating, unless they have been confirmed by the Roman Pontiff and promulgated by his order.

[*Latin ed. p. 49*]

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CANON 228. § 1. The Œcumenical Council possesses supreme power over the entire Church.

§ 2. Appeal is not granted against the decision of the Roman Pontiff to an Œcumenical Council.

CANON 229. If the Roman Pontiff should pass away during the celebration of the Council, the Council is interrupted by law, until a new Pontiff orders it to be resumed and continued.

CHAPTER III. On the Cardinals of the Holy Roman Church.

CANON 230. The Cardinals of the Holy Roman Church constitute the Senate of the Roman Pontiff, and assist him as principal counselors and helpers in governing the Church.

CANON 231. § 1. The Sacred College is divided into three orders: the episcopal, to which belong only the six Cardinals who are prefects of the suburban dioceses; the priestly, which consists of fifty Cardinals; and the diaconal, which comprises fourteen.

§ 2. To Cardinals of the priestly and diaconal orders, the Roman Pontiff assigns a title or diaconate in the City.

CANON 232. § 1. Cardinals are freely chosen by the Roman Pontiff from all parts of the world, men who, at least in the order of presbyterate, are outstanding in doctrine, piety, and prudence in affairs.

§ 2. The following are excluded from the dignity of Cardinalate: 1.° Illegitimate persons, even if they have been legitimated by a subsequent marriage; and also others who are irregular or are impeded from receiving Holy Orders according to canonical sanctions, even if, with respect to them,

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an apostolic dispensation has been granted for the reception of orders and dignities, even the episcopal; 2.° Those who have offspring, even from a legitimate marriage, or a nephew from such a marriage; 3.° Those who are related to a living Cardinal in the first or second degree of consanguinity.

CANON 233. § 1. Cardinals are created and announced by the Roman Pontiff in Consistory, and those thus created and announced obtain the right to elect the Roman Pontiff and the privileges concerning which are mentioned in canon 239.

§ 2. However, if the Roman Pontiff announces in Consistory the creation of someone, keeping his name reserved in his heart, that person, although promoted, does not, in the meantime, enjoy the rights or privileges of a Cardinal, but, after he has been received by the Roman Pontiff, he will then enjoy them.

[*Latin ed. p. 50*]

50. If the name of a Bishop has been publicly announced by the Supreme Pontiff, he enjoys the rights from the time of publication; however, the right of precedence is reserved until the appointment is formally made. CAN. 234. A Bishop promoted while absent from the Curia must, within one year, swear to uphold his office upon receiving the red biretta, unless he is legitimately detained by some impediment, in which case he must inform the Supreme Pontiff. CAN. 235. Unless otherwise provided by the Holy See in particular cases, by promotion to the Sacred College, not only are all offices, churches, and benefices held by the promoted individual vacated, but also ecclesiastical pensions are lost. CAN. 236. § 1. By an option made in the Consistory and approved by the Supreme Pontiff, Cardinals of the priestly order may, with due regard to the order and precedence of their promotion, transfer to another titular see, and Cardinals of the diaconal order may transfer to another deaconry, and, if they have remained in the diaconal order for a full ten years, even to the priestly order. § 2. A Cardinal of the diaconal order, transferring by option to the priestly order, takes precedence over all those Cardinals who are priests who were appointed to the Sacred College after him. § 3. If a suburbicarian see is vacant, Cardinals of the priestly order who are present at the time of the vacancy in the Curia, or who are absent from it temporarily due to some business entrusted to them by the Roman Pontiff, may, with due regard to the order of their promotion, choose it in the Consistory. § 4. Cardinals to whom one of the suburbicarian churches has been assigned may not choose another; and when a Cardinal attains the rank of Dean, he adds the diocese of Grado to his own, which is therefore always joined to another suburbicarian diocese in the person of the Cardinal Dean. CAN. 237. § 1. The Sacred College of Cardinals is presided over by the Dean, that is, the Cardinal who, by virtue of his promotion, is the senior among those holding a suburbicarian see; however, he has no jurisdiction over the other Cardinals, but is consid-

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ered first among equals. § 2. In the vacancy of the deanship, the Subdean succeeds by right, whether he is present at the time of the vacancy in the Curia, or resides in his own suburbicarian diocese, or is absent temporarily due to some duty entrusted to him by the Roman Pontiff. CAN. 238. § 1. Cardinals are bound by the obligation to reside in the Curia, and it is not permissible for them to leave it without the permission of the Roman Pontiff, except as provided in §§ 2, 3 of this canon. § 2. This obligation also applies to Cardinals who are Bishops of suburbicarian dioceses; but they do not require permission to visit the dioceses assigned to them, whenever they deem it opportune.

[*Latin ed. p. 51*]

Book Second - On Persons 5, § 3. Cardinals who are bishops of a diocese that is not suburban, are exempt from the law of residence in the Curia; but when they come to the City, they must visit the Supreme Pontiff, and they must not leave the City before obtaining permission to do so from him.

CAN. 23, § 1. Besides the other privileges which are enumerated in their respective titles in this Code, all Cardinals enjoy the faculty of: 1.° Hearing confessions everywhere on earth, even those of religious of both sexes, and of absolving them from all sins and censures, even reserved ones, except only for those censures which are reserved in a special manner to the Apostolic See, and those which are attached to the revelation of a secret to the Holy Office; 2.° Choosing a priest for themselves and for their family members to hear confessions, who, if he lacks jurisdiction, obtains it by the very fact, even with regard to sins and censures, also reserved ones, except for those concerning which we spoke in n. 1; 3.° Preaching the Word of God everywhere; 4.° Celebrating, or allowing another to celebrate, one Mass before them on the major feria of the fifth week of Easter, and three Masses on the night of the Nativity of the Lord; 5.° Blessing everywhere, with the sign of the cross alone, with all the indulgences customarily granted by the Holy See, rosaries, other prayerful crowns, crosses, medals, statues, scapulars approved by the Apostolic See, and bestowing them without the burden of inscription; 6.° Erecting, with a single blessing, in churches and chapels, even private ones, and other pious places, Stations of the Way of the Cross, with all the indulgences which are granted to those who perform this pious exercise; and also blessing icons of the Crucifix, with the application of all the indulgences attached by the Roman Pontiffs to the devout practice of the same Way of the Cross, for the faithful who, because of infirmity or another legitimate impediment, cannot visit the sacred Stations of the Way of the Cross; 7.° Celebrating Mass over a portable altar, not only in the house of their own residence, but wherever they reside; and allowing another Mass to be celebrated in their presence; 8.° Celebrating Mass at sea, taking due precautions; 9.° Celebrating Mass in all churches and chapels, according to their own calendar; 10.° Enjoying a personal,

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privileged altar daily; 11.° Granting indulgences in their own chapels, for which it is prescribed to visit some temple or public shrine in the city or place where the Cardinals actually reside, a privilege which their family members can also enjoy; 12.° Blessing the people everywhere, as bishops do; but in the City, only in churches, pious places, and gatherings of the faithful; 13.° Wearing the cross before the chest, even over the mozzetta, and using the mitre and the pastoral staff, as bishops do.

[*Latin ed. p. 52*]

Codex Iuris 52 Canonici 1, 4°. To celebrate the Sacred rites in any private chapel, without prejudice to those who enjoy an indult; 1, 5°. To perform Pontifical functions with throne and baldachin in all churches outside the City of Rome, provided the Ordinary is informed, if the church is a cathedral; 1, 6°. To enjoy the honors customarily granted to Ordinaries, whatever their rank may be; 1, 7°. To give testimony in the external forum, as witnesses to the pontifical oracle; 1, 8°. To enjoy the privilege of a chapel exempt from visitation by the Ordinary; 1, 9°. To freely dispose of the revenues of benefices, even by will, subject to the prescription of canon 1, 298; 2, 0°. To perform consecrations and blessings of churches, altars, sacred vessels, and abbacies, or similar institutions, with the exception of the consecration of sacred oils, if the Cardinal lacks the episcopal character, everywhere within their jurisdiction, observing the proper rites, according to the firm prescription of canon 1, 157; 2, 1°. To precede all Prelates, even Patriarchs, and indeed even the very Legates of the Pope, unless the Legate is a Cardinal residing in his own territory; but a Cardinal who is a Legate precedes all others outside the City of Rome; 2, 2°. To confer the first tonsure and the minor orders, provided that the person to be promoted has the appropriate letters of dispensation from his own Ordinary; 2, 3°. To administer the sacrament of Confirmation, with the firm obligation of inscribing the name of the confirmed person according to the law; 2, 4°. To grant indulgences of two hundred days, even repeatedly, in monasteries or institutions, and for the benefit of those within their jurisdiction or protection; also, in other places, but only to those present, and each time only for a single indulgence. § 2. The Cardinal Dean enjoys the privilege of ordaining and consecrating the elected Pope, if he is in need of ordination or episcopal consecration, and in that case, he uses the pallium; this privilege belongs to the Sub-Dean in the absence of the Cardinal Dean, and to the senior Cardinal Bishop of the suburbicarian sees in the absence of both. § 3. Finally, the Cardinal Protodeacon bestows the pallium upon Archbishops and Bishops, or their representatives, in place of the Roman Pontiff, and announces the name of the newly elected Pope to the people. CAN. 240. § 1. A Cardinal promoted to a suburbicarian see and canonically received into its possession is a true Bishop of his diocese, and he possesses the same authority within it as residential Bishops in their own dioceses. § 2. Other

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Cardinals, in their titular or deaconate churches, after canonically taking possession of them, can do everything that the local Ordinary can do in his churches, except for the exercise of judicial power and any jurisdiction over the faithful, but with the power to act in matters pertaining to discipline, the correction of morals, and the service of the Church. § 3. A Cardinal of the presbyteral order can perform Pontifical functions with a throne in his titular church, and a Cardinal of the diaconal order in

[*Latin ed. p. 53*]

Book Second, On Persons, 53. No one, except with the consent of a Cardinal, can exercise the office of diaconate in a manner pertaining to the Papacy; in other churches of the City, Cardinals cannot use the throne and baldachin without the permission of the Roman Pontiff. CANON 241. When the Apostolic See is vacant, the Sacred College of Cardinals and the Roman Curia have no power other than that defined in the Constitution of Pius X, *Vacante Sede Apostolica*, December 25, 1904. CHAPTER On the Curia. CANON 242. The Roman Curia consists of the Sacred Congregations, Tribunals, and Offices, as will be enumerated and described below. CANON 243. § 1. In each Congregation, Tribunal, and Office, discipline must be maintained, and business must be conducted according to the general and particular norms prescribed by the Roman Pontiff. § 2. All those who belong to the Congregations, Tribunals, and Offices of the Roman Curia are bound to observe secrecy within the limits and according to the manner determined by the discipline proper to each. CANON 244. § 1. Nothing of a serious or extraordinary nature shall be done in these Congregations, Tribunals, or Offices, unless it has been previously reported to the Roman Pontiff by the Moderators thereof. § 2. Every grace and resolution requires pontifical approval, except for those for which special faculties have been granted to the Moderators of the Offices, Tribunals, and Congregations, and except for the sentences of the Sacred Roman Rota and the Apostolic Signature. CANON 245. Any dispute that may arise concerning the competence between the Sacred Congregations, Tribunals, or Offices of the Roman Curia is resolved by a group of Cardinals of the Holy Roman Church, whom the Roman Pontiff designates from time to time. ARTICLE I. — On the Sacred Congregations. CANON 246. Each Congregation is presided over by a Cardinal Prefect, or, if the Roman Pontiff himself presides over them, they are directed by a Cardinal Secretary; to whom are added Cardinals whom the Pontiff has deemed fit to assign, along with other necessary officials.

[*Latin ed. p. 54*]

54. Codex Iuris Canonici, CAN. 2, 4, 7. § 1. The Congregation of the Holy Office, over which the Supreme Pontiff himself presides, safeguards the doctrine of faith and morals. § 2. It judges cases of those crimes which,

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according to its own law, are reserved to it, with the power to hear criminal cases not only on appeal from the tribunal of the Ordinary of the place, but also in the first instance, if they have been brought directly before it. § 3. It alone is competent to examine all matters, whether directly or indirectly, concerning the law or the facts, relating to the so-called Pauline privilege, and to impediments to marriage arising from disparity of cult and mixed religion; and it is also competent to grant dispensations in these impediments. Therefore, any matter of this kind must be referred to this Congregation, which, however, may, if it deems it appropriate and the circumstances warrant, refer the matter to another Congregation or to the Tribunal of the Sacred Roman Rota. § 4. To this Congregation pertains not only to carefully examine books brought to its attention, to prohibit them if necessary, and to grant dispensations; but also, ex officio, to inquire, in the most opportune manner, about writings of any kind that are published among the people and are to be condemned, and to bring to the attention of the Ordinaries, so that they may diligently take note of harmful writings and report them to the Holy See, according to canon 1397. § 5. It alone is competent in all matters concerning the eucharistic fast for priests celebrating Mass. CAN. 248. § 1. The Prefect of the Consistorial Congregation is the Roman Pontiff himself. Besides others who belong to it ex officio, these are: the Cardinal Secretary of the Holy Office, the Prefect of the Congregation for Seminaries and Studies, and the Secretary of State. Among its Consultors are always the Assessor of the Holy Office, the Secretary of the Congregation for extraordinary ecclesiastical affairs, and the Secretary of the Congregation for Seminaries and Studies. § 2. This Congregation is concerned not only with preparing the agenda for Consistories, but also, in places not subject to the Congregation of the Propagation of the Faith, with establishing new dioceses and provinces, and cathedral and collegiate chapters; with dividing already established dioceses; with proposing the appointment of Bishops, Apostolic Administrators, Coadjutors, and Auxiliary Bishops; with ordering canonical inquiries or processes concerning promotions, and with diligently conducting these matters, safeguarding the doctrine, saving the prescription of canon 255. § 3. All matters pertaining to the constitution, preservation, and status of dioceses depend on this Congregation. Therefore, it oversees the fulfillment or non-fulfillment of the obligations with which the Ordinaries are bound; it knows what has been reported in writing by the Bishops concerning the state of their dioceses; it orders apostolic visitations and examines those that have been completed, transmitting in either case to the respective Congregations for deliberation on matters that are particularly their concern.

[*Latin ed. p. 55*]

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55 C A N. 249. § 1. To the Congregation for the Discipline of the Sacra-

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ments is entrusted the entire legislation concerning the discipline of the seven Sacraments, without prejudice to the rights of the Congregation of the Holy Office concerning those matters established in can. 247, and of the Congregation of Sacred Rites concerning the rites and ceremonies that must be observed in the celebration, administration, and reception of the Sacraments.

§ 2. Therefore, all matters pertaining to the discipline of marriage, as well as the discipline of the other Sacraments, and to the celebration of the Sacrifice of the Eucharist, are subject to it, except those which are reserved to other Congregations.

§ 3. It also has cognizance, and exclusively, of the fact of the consummation or non-consummation of marriage, and of the existence of causes for granting a dispensation, as well as of all matters connected with these. However, it may, if it deems it expedient, refer knowledge of all of these matters to the Sacred Roman Rota. Likewise, questions concerning the validity of marriage may be brought before it, but if they require more careful investigation or inquiry, it shall refer them to the competent tribunal. In the same way, it pertains to it to consider the obligations attached to major orders, and to examine questions concerning the validity of sacred ordination, or to refer them to the competent tribunal. And so on, concerning the other Sacraments.

C A N. 250. § 1. To the Congregation of the Council is entrusted that part of the business which pertains to the general discipline of the secular clergy and of the Christian people.

§ 2. Therefore, it is its duty to ensure that the precepts of Christian life are observed, with the power to grant dispensations from them opportunely; to regulate matters concerning parish priests and canons; or those concerning pious sodalities, pious unions (even if they depend on religious orders or are established in their churches or houses), pious bequests, pious works, the offerings for Masses, benefices or offices, ecclesiastical goods, both movable and immovable, diocesan taxes, fees of the curias of the episcopal sees, and other similar matters. To it is reserved the power to exempt from the conditions required for the attainment of benefices, whenever the collation pertains to the Ordinary. It admits to composition those who have occupied ecclesiastical goods, even those belonging to religious orders; it permits the faithful to acquire ecclesiastical goods, usurped by civil authority.

§ 3. It also considers all matters pertaining to ecclesiastical immunity, as well as controversies concerning precedence, saving the rights of the Congregation for Religious Sodalities and the Congregation of Ceremonies.

§ 4. To the same pertains all that refers to the celebration and recognition of Councils, and to the gatherings or conferences of Bishops, except those matters which pertain to the Congregation for the Propagation of the Faith.

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§ 5. This Congregation is competent in all controversies and matters pertaining to those entrusted to it, which it deems should be treated in a disciplinary manner; other matters shall be referred to the competent tribunal.

[*Latin ed. p. 56*]

56. Code of Canon Law, Canon 251. § 1. The Congregation entrusted with the affairs of religious orders claims exclusively for itself those matters pertaining to the governance, discipline, studies, goods, and privileges of religious members of both sexes, whether bound by solemn or simple vows, and also of those who, although without vows, live in common life according to a religious manner, as well as of members of the Third Orders Regular, always respecting the rights of the Congregation of the Propagation of the Faith. § 2. Therefore, matters to be treated in a judicial manner are referred to the competent tribunal, and always respecting the rights of the Congregation of the Holy Office and the Congregation of the Council concerning matters pertaining to them; this Congregation settles all matters within its competence in a disciplinary manner; but if a matter concerns a religious member and a non-religious person, it can also, especially at the request of one of the parties, if it deems it just, refer the same matter to another Congregation or tribunal. § 3. Finally, this Congregation retains the power to grant dispensations from common law for religious members, in accordance with the established prescription of canon 247, § 5. CAN. 252. § 1. The Congregation of the Propagation of the Faith is responsible for missions for the preaching of the Gospel and the Catholic doctrine, appoints and changes the necessary ministers, and has the power to treat, manage, and execute all that is necessary and opportune in this matter. § 2. It takes care of all matters pertaining to the celebration and recognition of councils in the places subject to it. § 3. Its jurisdiction is limited to regions where, as long as the sacred hierarchy is not yet established, the status of a mission prevails. This Congregation is also subject to regions that, although a hierarchy has been established there, still have something in their initial stages. Likewise, ecclesiastical societies and seminaries exclusively founded for the purpose of training missionaries for foreign missions are subject to it, especially with regard to their rules, administration, and suitable concessions for the sacramental ordination of students. § 4. However, this Congregation is obliged to refer to the competent Congregations matters that pertain to the faith, or to matrimonial causes, or to the transmission or interpretation of general norms concerning the discipline of sacred rites. § 5. With regard to religious members, this Congregation claims for itself whatever pertains to religious persons as missionaries, whether individually or collectively. Whatever pertains to religious persons as such, whether individually or collectively, is referred to or left to the Congregation responsible for the affairs of religious orders. CAN. 253. § 1. The Congregation of Sacraments

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has the right to examine and decide on all matters pertaining to the sacred rites and ceremonies of the Latin Church.

[*Latin ed. p. 57*]

Book Second - Concerning Persons 57, and not those which more broadly pertain to sacred rites, such as precedence and other matters of the kind, concerning which either a judicial judgment is rendered or a disciplinary dispute arises. § 2. It is therefore primarily its duty to ensure that sacred rites and ceremonies are diligently observed in the Holy Mass, in the administration of the Sacraments, in the performance of divine offices, and in all those things which pertain to the worship of the Latin Church; to grant appropriate dispensations; to bestow insignia and privileges of honor, both personal and temporary, as well as local and perpetual, which pertain to sacred rites or ceremonies, and to take care that abuses do not occur in these matters. § 3. Finally, it undertakes all matters which pertain to the beatification and canonization of the Servants of God, or to sacred relics in any way. C A N. 254. It pertains to the Congregation of Ceremonies to regulate the ceremonies to be observed in the Papal Chapel and Audience Hall, and the sacred functions which the Cardinals perform outside the pontifical chapel; likewise, the same Congregation examines questions concerning the precedence of Cardinals and of Legates sent by various nations to the Holy See. C A N. 255. The Congregation for Extraordinary Ecclesiastical Affairs is concerned with establishing or dividing dioceses, and with promoting suitable men to vacant dioceses, whenever these matters must be dealt with by the civil authorities; moreover, the Congregation undertakes those matters which are referred to its examination by the Supreme Pontiff through the Cardinal Secretary of State, especially those which have some connection with civil laws and pertain to agreements concluded with various nations. C A N. 256. § 1. The Congregation for Seminaries and Universities oversees all matters pertaining to the administration, discipline, temporal affairs, and studies of seminaries, without prejudice to the rights of the Congregation for the Propagation of the Faith. Likewise, the regulation of the administration and studies in which academies or, as they are called, Universities or Faculties that depend on the authority of the Church must engage, is also entrusted to it, including those directed by members of a religious family. It examines and approves new institutions; it grants the faculty of conferring academic degrees and establishes the norms by which these degrees must be conferred, and, in the case of a particularly distinguished scholar, it can itself confer these degrees. § 2. In this Holy Congregation are included, among others, the Cardinal Secretary of the Consistorial Congregation, and among the Consultors, the Assessor of the same Congregation. C A N. 257. § 1. The Congregation for the Oriental Church is presided over by the Roman Pontiff himself. All matters of every

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kind are reserved to this Congregation.

[*Latin ed. p. 58*]

Codex Juris Canonici, qui vel ad personas, vel ad disciplinam, vel ad ritus Ecclesiarum orientalium referuntur, etiamsi sint mixta, quae scilicet sive rei sive personarum ratione latinos quoque attingant. § 2. Quare pro Ecclesiis ritus orientalis haec Congregatio omnibus facultatibus potitur, quas aliae Congregationes pro Ecclesiis ritus latini obtinent, incolumi tamen iure S. Officii ad normam can. 247. § 3. Haec Congregatio controversias dirimit via disciplinari; quas vero ordine iudiciario dirimendas iudicaverit, ad tribunal remittet quod ipsa Congregatio designaverit.

Congregationis ART. II. — De Tribunalibus CAN. Curiae Romanae. 258. § 1. Sacrae Poenitentiariae praeficitur Cardinalis Poenitentiarius Maior. Huius tribunalis iurisdictio coarctatur ad ea quae forum internum, etiam non sacramentale, respiciunt; quare hoc tribunal pro solo foro interno gratias largitur, absolutiones, dispensationes, commutationes, sanationes, condonationes; excutit praeterea quaestiones conscientiae easque dirimit. § 2. Eiusdem insuper est de iis omnibus iudicare quae spectant ad usum et concessionem indulgentiarum, salvo iure S. Officii videndi ea quae doctrinam dogmaticam circa easdem indulgentias vel circa novas orationes et devotiones respiciunt.

CAN. 259. Causae ordinem iudiciarium requirentes aguntur apud Sacram Romanam Rotam et apud Supremum Tribunal Signaturae Apostolicae intra fines et secundum normas traditas in can. 1598-1605, salvo iure Congregationis S. Officii et Congregationis Sacrorum Rituum in causas sibi proprias.

ART. III. — De Officiis CAN. Curiae Romanae. 260. § 1. Cancellariae Apostolicae, cui praeest Cardinalis Cancellarius Sanctae Romanae Ecclesiae, hoc est proprium munus, Apostolicas litteras seu bullas pro beneficiorum et officiorum consistorialium provisione, novarum provinciarum et dioecesium ac capitulorum institutione et pro aliis maioribus Ecclesiae negotiis conficiendis, expedire. § 2. Quae litterae seu bullae ne expediantur nisi de mandato Congregationis Consistorialis circa negotia ad eius competentiam spectantia, aut de mandato Summi Pontificis circa alia negotia, servatis in singulis casibus ipsius mandati terminis.

CAN. 261. Datariae Apostolicae, quam moderatur Cardinalis Datarius Sanctae Romanae Ecclesiae, commissum est cognoscere de idoneitate promoven-

[*Latin ed. p. 59*]

Book Second - Concerning Persons 59 holding offices not pertaining to the Consistory, which are reserved to the Apostolic See; to issue and dispatch Apostolic letters concerning their appointment; to exempt, when granting such offices, from the required conditions, whenever their

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appointment does not pertain to the Ordinary; to administer the pensions and charges which the Supreme Pontiff has imposed concerning the granting of these offices.

C A N. 262. The care and administration of the temporal goods and rights of the Holy See belong to the Apostolic Camera, which is presided over by the Cardinal Camerlengo of the Holy Roman Church, especially when the See is vacant; and then, most strictly, the norms established in the Constitution of Pius X, *Vacante Sede Apostolica*, December 25, 1904, must be observed.

C A N. 263. The office of the Secretariat of State, whose director is the Cardinal Secretary of State, consists of three parts in this order: 1.° The first part, presided over by the Secretary of the Congregation for extraordinary ecclesiastical affairs, deals with matters which must be submitted to that Congregation for examination, according to canon 255, while other matters, according to their diverse nature, are referred to the particular Congregations; 2. The second part, under the direction of the Substitute, deals with ordinary affairs; 3.° The third part is directed by the Chancellor of Apostolic Briefs, who is responsible for the dispatch of Briefs.

C A N. 264. The task of writing in Latin the acts of the Supreme Pontiff belongs to the Secretariats of Briefs addressed to Princes and of Latin Letters, which are entrusted with this duty by the same.

CHAPTER V. Concerning the Legates of the Roman Pontiff.

C A N. 265. The Roman Pontiff has the right, independent of civil authority, to send Legates to any part of the world, with or without ecclesiastical jurisdiction.

C A N. 266. A Cardinal Legate is one who is sent by the Supreme Pontiff as his alter ego, with this title, and can only do what has been demanded of him by the Supreme Pontiff.

C A N. 267. § 1. Legates who are sent with the title of Nuncio or Internuncio: 1.° They must, according to the norms received from the Holy See, foster relations between the Apostolic See and the civil governments among which they exercise their established legation; 2.° They must oversee the state of the Churches in the territory assigned to them and inform the Roman Pontiff thereof.

[*Latin ed. p. 60*]

60. Codex Iuris Canonici, Can. 3: Besides these two ordinary powers, other faculties are also held, which, however, are all delegated. § 2. Those who are sent with the title of Apostolic Delegate possess one ordinary power, as mentioned in § 1, no. 2, in addition to the other faculties delegated to them by the Holy See. 268. CAN. § 1. The office of a Delegate, with all the faculties conferred upon him, does not expire during a vacancy of the Apostolic See, unless otherwise stipulated in

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pontifical documents. § 2. It ceases, however, upon the completion of the mandate, by revocation communicated to him, or by acceptance of his resignation by the Roman Pontiff. 269. CAN. § 1. Delegates leave to the Ordinary authorities the free exercise of their jurisdiction. § 2. Although they may lack the episcopal character, they nevertheless precede all Ordinaries who are not distinguished by the dignity of Cardinal. § 3. If they have been raised to the episcopal character, they can, without the permission of the Ordinaries, administer the Sacrament of Benediction and perform divine offices, even in pontifical ceremonies, using also the throne and the crozier, in all their churches, except the cathedral. CAN. 270. To Bishops who, by reason of their office, are adorned with the title of Apostolic Delegate, no special right accrues therefrom. CHAPTER VI. Concerning Patriarchs, Primates, Metropolitans. CAN. 271. The title of Patriarch or Primate, besides the privilege of honor and the right of precedence according to canon 280, does not carry with it any special jurisdiction, unless otherwise is established by particular law. CAN. 272. The Metropolitan, or Archbishop, governs the ecclesiastical province; this dignity is joined with the episcopal see by the Roman Pontiff. CAN. 273. Saving the prescriptions of canons 275-280, the Metropolitan in his own diocese has the same obligations and the same rights as a Bishop in his own. CAN. 274. In the suffragan dioceses, the Metropolitan can only: 1.° Institute those presented by the patrons to benefices, if the Suffragan has failed to do so within the time prescribed by law, without just impediment.

[*Latin ed. p. 61*]

Book Second, Concerning Persons, 61. 2. To grant indulgences of one hundred days, as within his own diocese; 3. To appoint a Vicarious Capitular, according to canon 432, § 2; 4. To see that the faith and ecclesiastical discipline are accurately observed, and to inform the Roman Pontiff of any abuses; 5. To conduct a canonical visitation, for a cause previously approved by the Apostolic See, if the Suffragan has neglected it; and during the time of the visitation, he may preach, hear confessions, and absolve from sins reserved to the Bishop, inquire into the life and honesty of the clergy, report to the Ordinaries any clergy noted for infamy, so that they may punish them, and to punish with just penalties, including censures, any notorious crimes, manifest and notorious offenses, whether committed against himself or others; 6. In all churches, even those exempt, after notifying the local Ordinary, if the church is a cathedral, to perform pontifical functions, as a Bishop does in his own territory, to bless the people, and to proceed with the cross before him, but not to exercise any other functions that involve jurisdiction; 7. To receive appeals from final judgments or interlocutory judgments having the force of final judgments, rendered in the suffragan courts, according to canon 1594, § 1; 8. To settle controversies concerning which, according to canon 1572, § 2, is the first instance.

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CAN. 275. The Metropolitan is bound, within three months from his consecration, or, if he has already been consecrated, from his canonical institution, in a Consistory, either in person or through a procurator, to request the pallium from the Roman Pontiff, which signifies the archiepiscopal power.

CAN. 276. Therefore, before the imposition of the pallium, except for a special apostolic dispensation, he may not licitly exercise acts or the jurisdiction of the metropolitan, or of the episcopal order, in which, according to the liturgical laws, the use of the pallium is required.

CAN. 277. The Metropolitan may use the pallium within any church, even an exempt one, in his province, during the celebration of Masses, on the days designated in the Roman Pontifical, and on other days that may be granted to him; but in no case outside the province, even if the local Ordinary consents.

CAN. 278. If the Metropolitan loses the pallium or is transferred to another archiepiscopal see, he needs a new pallium.

CAN. 279. The pallium cannot be lent, nor given, nor left to anyone in death, but all the palls that the Metropolitan has obtained must be buried with him.

[*Latin ed. p. 62*]

62. Codex Iuris Canonici, Canon 280. Patriarcha praecedit Primati, Primas Archiepiscopo, hic Episcopis, salvo praescripto can. 347. CAPUT VII. De Conciliis plenariis et provincialibus. CAN. * 281. Ordinarii plurium provinciarum ecclesiasticarum in Concilium plenarium convenire possunt, petita tamen venia a Romano Pontifice, qui suum Legatum designat ad Concilium convocandum eique praesidendum. CAN. 282. § 1. Concilio plenario assistere debent cum suffragio deliberativo, praeter Legatum Apostolicum, Metropolitae, Episcopi residentiales, qui, sui loco, mittere possunt Coadiutorem vel Auxiliarem, Apostolici dioecesium Administratores, Abbates vel Praelati nullius, Vicarii Apostolici, Praefecti Apostolici, Vicarii Capitulares. § 2. Etiam Episcopi titulares, in territorio degentes, si a Legato Pontificio, secundum receptas instructiones, ad Concilium vocentur, adesse debent habentque suffragium deliberativum, nisi in convocatione aliud expresse caveatur. § 3. Alii ex utroque clero viri, forte ad Concilium invitati, suffragio non gaudent nisi consultivo. CAN. 283. In singulis provinciis ecclesiasticis celebretur provinciale Concilium vicesimo saltem quoque anno. CAN. 284. Metropolita, eoque legitime impedito vel sede archiepiscopali vacante, Suffraganeus antiquior promotione ad ecclesiam suffraganeam: 1.° Locum ad celebrandum Concilium intra provinciae territorium, auditis omnibus qui assistere debent cum suffragio deliberativo, eligit; cessantibus tamen iustis impedimentis, metropolitana ecclesia ne negligatur; 2.° Concilium convocat eique praeest. CAN. 285. Episcopi qui nulli Metropolitae subiiciuntur, Abbates vel Praelati nullius,

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et Archiepiscopi Suffraganeis carentes, aliquem viciniorem Metropolitam, nisi forte iam elegerint, semel pro semper, praevia Sedis Apostolicae approbatione, eligant, cuius Concilio provinciali cum aliis intersint, et quae ibi ordinata fuerint, observent et observanda curent. CAN. 286. § 1. Praeter Episcopos, Abbates vel Praelatos nullius et Archiepiscopos de quibus in can. 285, ad Concilium provinciale vocandi sunt et

[*Latin ed. p. 63*]

Book Second - On Persons 63. Suffragan Bishops and all others mentioned in canon 282, § 1, § 2, must be summoned by the Ordinary. Titular Bishops residing in the province may be summoned by the President, with the consent of the majority of those present with deliberative votes, and if summoned, they shall have deliberative votes, unless otherwise stipulated in the summons. § 3. Chapters of cathedrals or diocesan Consultors of any diocese to which the Ordinary is required to be summoned according to § 1, shall be invited to the Council, and those invited shall send two members, either from the chapter or from the Consultors, who shall be jointly designated, but these shall have only a consultative vote. § 4. Superiors of exempt religious orders and monastic congregations residing in the province are also to be invited, and those invited must attend or inform the Council of the impediment that prevents them. However, these, as well as other members of both the clergy who may be called to the Council, shall have only a consultative vote. CAN. 287. § 1. Those who are required to attend a plenary or provincial Council with a deliberative vote, if they are detained by a just impediment, shall send a proxy and shall prove the impediment. § 2. The proxy, if he is one of the Fathers who has a deliberative vote, does not enjoy a double vote; if he is not, he has only a consultative vote. CAN. 288. In the Council, whether plenary or provincial, the President, if it is a provincial Council, with the consent of the Fathers, determines the order to be followed in the matters to be examined, and he opens, adjourns, postpones, and concludes the Council. CAN. 289. Once a plenary or provincial Council has begun, it is not permitted for any of those who are required to attend to leave, unless for a just cause approved by the Pontifical Legate or by the Fathers of the provincial Council. CAN. 290. The Fathers assembled in a plenary or provincial Council diligently inquire and determine what appears to be suitable for the growth of the faith, for regulating morals, for correcting abuses, for resolving controversies, and for maintaining or introducing a uniform discipline in their respective territories. CAN. 291. § 1. After the conclusion of a plenary or provincial Council, the President shall transmit all the acts and decrees to the Holy See, and these shall not be promulgated before they have been examined and approved by the Sacred Congregation of Councils; the Fathers of the Council themselves shall designate the method of promulgation of the decrees and the time at which the promulgated decrees shall take effect. § 2. The decrees of a

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plenary and provincial Council, once promulgated, are binding in

[*Latin ed. p. 64*]

64. The Code of Canon Law applies to its entire territory, and Ordinary pastors within those territories cannot grant dispensations, except in particular cases and for just reasons. CAN. 292. § 1. Unless otherwise provided by the Apostolic See for particular places, the Metropolitan, and in his absence, the senior of the Suffragan bishops, according to canon 284, shall ensure that the Ordinary pastors of the places, at least every five years, convene at a designated time with the Metropolitan or another provincial bishop, so that, after due deliberation, they may consider what should be done in the dioceses to promote the good of religion, and they shall prepare matters for discussion at the next provincial council. § 2. Even bishops and others mentioned in canon 285, together with other Ordinary pastors, are to be convened and shall attend. § 3. The assembled Ordinary pastors shall designate the location for the next meeting. CHAPTER VIII. Of Vicars and Apostolic Prefects. CAN. 293. § 1. Territories which are not erected as dioceses are governed by Vicars or Apostolic Prefects; all of whom are appointed by the same Apostolic See. § 2. The Vicar and Apostolic Prefect take possession of their territory by presenting the letters apostolic, or, in the case of the Prefect, the decree or patent letters of the Sacred Congregation for the Propagation of the Faith, to the one who governs the territory, according to canon 309. CAN. 294. § 1. Vicars and Apostolic Prefects enjoy the same rights and faculties within their territory as resident bishops enjoy in their own dioceses, unless the Apostolic See has reserved something. § 2. Even those who lack the episcopal character can, within the boundaries of their territory and while holding office, impart all the blessings reserved to bishops, except the pontifical blessing, consecrate chalices, patens, and portable altars with the sacred oils blessed by a bishop, grant indulgences of fifty days, and confer confirmation, the minor tonsure, and the lesser orders, according to canons 782, § 3, and 957, § 2. CAN. 295. § 1. Vicars and Apostolic Prefects can and must require all missionaries, even religious, to exhibit their credentials or other letters pertaining to their mission, destination, constitution, and appointment, and they must prohibit the exercise of any ecclesiastical ministry to those who refuse to exhibit them. § 2. All missionaries, even religious, must request a license to exercise the sacred ministry from the Vicars and Apostolic Prefects, who, however, shall not deny it, except for just and serious reasons.

[*Latin ed. p. 65*]

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CAN. 296. § 1. Regular missionaries are also subject to the jurisdiction, visitation, and correction of the Vicar and Apostolic Prefect in matters pertaining to the administration of missions, the care of souls, the administra-

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tion of the Sacraments, the direction of schools, offerings made with a view to the mission, and the fulfillment of pious intentions in favor of the same mission.

§ 2. Although Vicars and Apostolic Prefects are in no way permitted, except in cases provided for by law, to interfere with the religious discipline which depends on the religious Superior, nevertheless, if conflicts arise concerning the matters mentioned in the preceding paragraph between the mandate of the Vicar or Apostolic Prefect and the mandate of the Superior, the former must prevail, with due regard for the right of appeal to the Holy See, and with due regard for special statutes approved by the Apostolic See.

CAN. 297. In the absence of secular priests, Vicars and Apostolic Prefects may, after consulting with their Superior, compel religious, even those exempt, who are attached to the vicariate or prefecture, to exercise the care of souls, with due regard for special statutes approved by the Apostolic See.

CAN. 298. If any disputes arise concerning matters pertaining to the care of souls, whether among individual missionaries, or among different religious orders, or between missionaries and any others whatsoever, the Vicars and Apostolic Prefects must first endeavor to resolve them, who, if necessary, shall settle such matters, with due regard for the right of appeal to the Apostolic See, which does not suspend the effect of the decrees.

CAN. 299. Apostolic Vicars are bound by the Holy See of the Blessed Apostles Peter and Paul to make visitations in the same manner as residential Bishops, according to canon 341; however, they may fulfill this duty through a procurator, even one residing in the City.

CAN. 300. § 1. In accordance with canon 340, Vicars and Apostolic Prefects are bound to present to the Apostolic See a full and accurate report of their pastoral office, and of all matters pertaining to the state of the vicariate or prefecture, to the missionaries, to the religious, to the discipline of the people, to the attendance at schools, and to the care of the faithful entrusted to them in every way; this report must be written and signed by both the Vicar or Prefect and at least one of the counselors mentioned in canon 302.

§ 2. Moreover, at the end of each year, they must send to the Holy See a list or number of converts, baptisms, and the annual administration of the Sacraments, together with other noteworthy items.

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66. The Code of Canon Law, CANON 301. § 1. Within the region assigned to them, they shall reside, and it shall not be lawful for them to absent themselves from it for a notable period without a grave and urgent cause, without the knowledge of the Apostolic See. § 2. They must, whenever it is necessary, visit the region entrusted to them, either personally or, if legitimately hindered, through another, and in such visits they must

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attend to all matters pertaining to faith, good morals, the administration of the Sacraments, the preaching of the Word of God, the observance of feasts, divine worship, the instruction of youth, and ecclesiastical discipline.

CANON 302. They shall establish a Council composed of at least three older and more prudent missionaries, whose opinion, at least by letter, they shall heed in more serious and difficult matters.

CANON 303. As opportunity permits, they shall gather together at least the principal missionaries, both religious and secular, of their own territory, at least once a year, so that they may, from the experience and counsel of each, determine what ought to be arranged more perfectly.

CANON 304. § 1. The laws which are prescribed to Bishops concerning the establishment of an archive, Vicars Apostolic and Prefects Apostolic, taking into account the circumstances of the place and the people, are likewise bound. § 2. Likewise, what is prescribed concerning plenary and provincial councils, canons 281-291, must be applied, referring the appropriate to the appropriate, to plenary or regional councils and to provincial councils in regions subject to the Sacred Congregation for the Propagation of the Faith; and what is prescribed concerning the diocesan synod, canons 356-362, to the synod of a vicariate apostolic; but there is no prescribed time for the celebration of a provincial council and a synod, and the canons of councils must be recognized by the Sacred Congregation for the Propagation of the Faith before they are promulgated.

CANON 305. They must diligently take care, burdened as they are by a grave conscience, that worthy clerics from among the Christian natives or inhabitants of their region are duly instructed and admitted to the priesthood.

CANON 306. They must apply the Sacrifice of the Mass for the people entrusted to them, at least on the feasts of the Nativity of Our Lord, the Epiphany, Easter, Pentecost, the Most Holy Body and Blood of Christ, the Immaculate Conception, and the Assumption of the Blessed Virgin Mary, the feast of Saint Joseph, her spouse, of the Holy Apostles Peter and Paul, of All Saints, observing the prescription of canon 339, §§ 2 and following.

[*Latin ed. p. 67*]

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67. Canon 307. § 1. To these [Vicars and Prefects] it is not permitted, without the consent of the Apostolic See, to grant to missionaries sent by it a perpetual dispensation from their vicariate or prefecture, or to allow them to go elsewhere, nor in any way to expel them.

§ 2. However, in the case of public scandal, they themselves, after due deliberation, and if religious are involved, after being forewarned, as far as possible, by their Superior, may immediately remove the missionary, but must immediately inform the Apostolic See of this.

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Canon 308. Vicars and Prefects, endowed with the episcopal character, are entitled to honorary privileges which the law grants to titular Bishops; but if they lack the episcopal character, they possess only, during their term of office and within their own territory, the insignia and privileges of Protonotaries apostolic of the participating grade.

Canon 309. § 1. As soon as Vicars and Prefects arrive in their territory, they shall appoint from among the clergy a suitable Pro-Vicar or Pro-Prefect, unless a Coadjutor has been appointed by the Holy See with the right of succession.

§ 2. The Pro-Vicar or Pro-Prefect has no authority, as long as the Vicar or Prefect is living, except that which has been delegated to him by the same; but if the Vicar or Prefect is absent, or is prevented from exercising his jurisdiction according to canon 429, § 1, he must assume the entire administration and continue in this office until otherwise provided by the Holy See.

§ 3. Likewise, the Pro-Vicar or Pro-Prefect who succeeds the titular shall immediately appoint a cleric who shall succeed him in office, as stated above.

§ 4. If, however, it should happen that no one has been designated either by the titular or by the pro-titular to act as administrator, then the senior member in the vicariate or prefecture, that is to say, the one who is present in the territory and who has previously presented his credentials there, is considered to be delegated by the Holy See to assume the administration, and among several equally senior members, the one who has been a priest for a longer time.

Canon 310. § 1. Those to whom the care of a vicariate or prefecture has devolved according to canon 309, must, as soon as possible, inform the Apostolic See.

§ 2. In the meantime, they may exercise all the faculties, whether ordinary according to canon 294, or delegated, which the Vicar or Prefect possessed, unless they have been withdrawn because of the fault of the person.

Canon 311. He who is appointed to an apostolic vicariate or prefecture for a definite time, must remain in the administration with all the faculties granted to him, even if the defined time has passed, until the successor takes canonical possession of his office.

[*Latin ed. p. 68*]

Codex Iuris 68, CAPUT IX. De Administratoribus Apostolicis.

CAN. 312. In dioecesibus canonicamente erectis, sive plenis, sive vacantis, aliquando Summus Pontifex, ob graves et speciales causas, Administratori Apostolico regimen committit, vel in perpetuum, vel ad tempus.

CAN. 313. § 1. Quilibet Administrator Apostolicus, si datus fuerit dioe-

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cesi, sede plena, init canonicam administrationis possessionem, ostendens litteras suae nominationis tum Episcopo, si sit mentis consiliique compos et in dioecesi versetur, tum etiam Capitulo, ad normam can. 334, § 3.

§ 2. Si sedes fuerit vacans, vel si Episcopus non sit mentis consiliique compos, aut in dioecesi non moretur, Administrator Apostolicus possessionem sumit ad instar Episcopi, secundum cit. can. 334, § 3.

CAN. 314. Iura, officia ac privilegia Administratoris Apostolici desumuntur ex litteris suae deputationis, vel, nisi in eisdem aliud caveatur expresse, ex praescripto canonum qui sequuntur.

CAN. 315. § 1. Administrator Apostolicus permanenter constitutus fruitur eodem iuribus et honoribus, et tenetur eadem obligationibus, ac Episcopus residentialis.

§ 2. Si ad tempus datus sit: 1.° Eadem iura ac officia habet, ac Vicarius Capitularis; sed, sede plena, potest dioecesim visitare ad tramitem iuris; nec tenetur obligatione applicandae Missae pro populo, quae Episcopum gravat; 2.° Ad honorifica privilegia quod attinet, valeat praescriptum can. 308; sed Episcopo qui, ad aliam sedem translatus, prioris retinet administrationem, in hac quoque omnia Episcoporum residentialium honorifica privilegia competunt.

CAN. 316. § 1. Si Administrator Apostolicus dioecesi, sede plena, praefiniatur, iurisdictio Episcopi eiusque Vicarii Generalis suspenditur.

§ 2. Quanquam autem Administrator Apostolicus Episcopi auctoritati non subest, non debet tamen se immiscere causis Episcopum ipsum spectantibus, neque in Vicarium eius Generalem iudicium seu processum instruere aut animadvertere ob acta praeteritae administrationis.

CAN. 317. Si impedita fuerit iurisdictio Administratoris Apostolici aut si idem Administrator defecerit, Sedes Apostolica statim moneatur; et interim,

[*Latin ed. p. 69*]

Book Second - ON PERSONS 69. If a diocese is vacant, or if there is no proper bishop, the prescriptions of canon 429 and following apply; otherwise, the bishop governs the diocese, unless the Apostolic See has decreed otherwise. CANON 318. § 1. The jurisdiction of an Apostolic Administrator does not cease with the death of the Roman Pontiff or the bishop. § 2. It ceases when the bishop legitimately takes possession of the vacant diocese, according to canon 334, § 3. CHAPTER X. On Lower Prelates. CANON 319. § 1. Prelates who preside over a territory proper to them, separate from every diocese, with the clergy and the people, are called Abbots or Prelates nullius, namely, dioceses, as their church enjoys either the dignity of an abbey or simply the status of a prelature. § 2. An abbey or prelature nullius, consisting of at least three parishes, is governed by a special law, and the regulations established by the canons for abbeys or prelatures nul-

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lius do not apply to it. CANON 320. § 1. Abbots or Prelates nullius are named and instituted by the Roman Pontiff, saving the right of election or presentation, if it legitimately belongs to someone; in which case, they must be confirmed or instituted by the same Roman Pontiff. § 2. Those who are to assume an abbey or prelature nullius must be endowed with the same qualities that the law requires in bishops. CANON 321. If a college has the right to elect an Abbot or Prelate nullius, for a valid election, an absolutely greater number of votes is required, except for those votes that are null, according to the specific law that requires a greater number of votes. CANON 322. § 1. An Abbot or Prelate nullius may not, under any title, either personally or through others, interfere in the governance of the abbey or prelature, before he has taken possession of it, according to canon 334, § 3. § 2. Abbots or Prelates nullius who are to be blessed according to the apostolic prescription or according to the constitutions of their own religious order, within three months from the receipt of the apostolic letters, if the legitimate impediment has ceased, shall receive the blessing from the bishop whom they prefer. CANON 323. § 1. An Abbot or Prelate nullius has the same ordinary powers and the same obligations, with the same sanctions, as resident bishops in their own diocese.

[*Latin ed. p. 70*]

70. Codex Iuris Canonici § 2. Si quis non sit ornatus characteri episcopali et benedictionem, si eam recipere debet, acciperit, praeter alia officia quae in can. 294, § 2 describuntur, potest etiam ecclesias et altaria immobilia consecrare. § 3. Quod attinet ad Vicarium Generalis constitutionem, serventur praescripta can. 366-371.

CAN. 324. Capitulum religiosum abbatiae vel praelaturae nullius regitur propriis legibus ac constitutionibus; Capitulum saeculare, iure communi.

CAN. 325. Abbas vel Praelatus nullius, licet charactere episcopali careat, utitur tamen in proprio territorio insignibus pontificalibus cum throno et iure ibidem officia divina pontificali ritu celebrandi; crucem autem pectoralem, annulum cum gemma, ac pileolum violaceum potest etiam extra territorium deferre.

CAN. 326. Si praelatura saecularis Capitulo careat, eligantur consultores ad normam can. 423-428.

CAN. 327. § 1. Abbatia vel praelatura nullius vacante, si agatur de abbatia vel praelatura religiosa, succedit Capitulum religiosorum, nisi constitutiones aliud ferant; si de saeculari, Capitulum canonicorum; utrumque autem Capitulum intra octiduum debet Vicarium Capitularem deputare ad normam can. 432 seqq., qui abbatiam vel praelaturam regat usque ad novi Abbatis vel Praelati electionem. § 2. Abbatia vel praelatura impedita, servetur praescriptum can. 429.

CAN. 328. Circa Roman Pontificis Familiares, sive praelati titulo

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gaudeant, sive non, standum i>rivilegiis, regulis et traditionibus pontificiae Domus.

TITULUS VIII. De potestate episcopali deque iis qui de eadem participant.

CAPUT I. De Episcopis.

CAN. 329. § 1. Episcopi sunt Apostolorum successores atque ex divina institutione peculiaribus ecclesiis praeficiuntur quas cum potestate ordinaria regunt sub auctoritate Romani Pontificis.

§ 2. Eos libere nominat Romanus Pontifex.

§ 3. Si cui collegio concessum sit ius eligendi Episcopum, servetur praescriptum can. 321.

[*Latin ed. p. 71*]

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Canon 330. § 1. Before anyone is received into the office of Bishop, it must be established, according to the manner determined by the Apostolic See, that he is suitable.

Canon 331. § 1. In order that someone may be considered suitable, he must possess the following qualities: 1.° He must be born of a legitimate marriage, and not merely legitimized by a subsequent marriage; 2.° He must have reached the age of at least thirty years; 3.° He must have been established in the sacred order of the priesthood for at least five years; 4.° He must be endowed with good morals, piety, zeal for souls, prudence, and other qualities which make him fit to govern the diocese in question; 5.° He must possess a doctorate or at least a license in sacred theology or canon law from some university or institute of studies approved by the Holy See, or, if he belongs to a religious order, he must have the approval of his Superiors, or a similar title, or at least a testimony of true expertise.

§ 2. Even the one elected, presented, or in any way designated by those who enjoy the privilege, granted by the Holy See, of electing, presenting, or designating, must possess the aforementioned qualities.

§ 3. It belongs solely to the Apostolic See to judge whether someone is suitable.

Canon 332. § 1. For anyone to be promoted to the episcopacy, even if elected, presented, or designated by the civil government, a canonical provision or institution is necessary, by which a Bishop is established for the vacant diocese, and which is granted by the Roman Pontiff.

§ 2. Before the canonical institution or provision, the candidate, besides the profession of faith concerning which mention is made in canons 1406-1408, shall make an oath of fidelity to the Holy See, according to a formula approved by the Apostolic See.

Canon 333. Unless a legitimate impediment prohibits it, the one pro-

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moted to the episcopacy, even if he is a Cardinal of the Holy Roman Church, must, within three months from the receipt of the apostolic letters, receive consecration, and within four months proceed to his diocese, saving the prescription of canon 238, § 2.

Canon 334. § 1. Bishops are the ordinary and immediate pastors in the dioceses assigned to them.

§ 2. However, they cannot interfere in the administration of a diocese, either by themselves or through others, nor under any title, unless they have first canonically taken possession of that diocese; but if, before their designation to the episcopacy, they were vicars capitular, officials, or administrators, they may retain and exercise these offices even after their designation.

[*Latin ed. p. 72*]

72. Canon 3. The canonical possession of a diocese is acquired by residential bishops as soon as they have shown the apostolic letters to the Chapter of the cathedral church, in the presence of the secretary of the Chapter or the chancellor of the Curia, who shall record the matter in the acts. CAN. 335. § 1. It is their right and their duty to govern the diocese, both in spiritual and temporal matters, with legislative, judicial, and coercive power, according to the norms of the sacred canons. § 2. Episcopal laws begin to be binding immediately upon promulgation, unless otherwise stipulated therein; the manner of promulgation is determined by the bishop himself. CAN. 336. § 1. Bishops are to urge the observance of ecclesiastical laws; they cannot grant dispensations in matters of common law, except according to canon 81. § 2. They are to take care that abuses do not creep into ecclesiastical discipline, especially concerning the administration of the Sacraments and Sacramentals, the worship of God and the Saints, the preaching of the Word of God, sacred indulgences, and the fulfillment of pious works; and they are to see to it that the purity of faith and morals is maintained among the clergy and the people, that the faithful, especially children and the uneducated, are provided with nourishment from Christian doctrine, and that schools for children and young people are established according to the principles of the Catholic religion. § 3. With regard to the office of preaching, the prescription of canon 1327 is to be observed. CAN. 337. § 1. The bishop can exercise pontifical functions throughout the entire diocese, even in places that are exempt, but not outside the diocese without the express or at least reasonably presumed consent of the local Ordinary, and, if it concerns an exempt church, with the consent of the superior religious. § 2. To exercise pontifical functions in law means to perform the sacred functions which, according to the laws of liturgy, require pontifical insignia, that is, the crozier and the mitre. § 3. The bishop, granting permission to exercise pontifical functions within his territory, may also permit the use of the throne with a baldachin. CAN. 338. § 1. Even if the bishop has a

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coadjutor, they are bound by personal law within the diocese of residence. § 2. Except for the cause of visiting the Holy See, Councils to which they must attend, or legitimate duties attached to their churches, they may be absent from Vico Equense for no more than two or, at most, three months within the year, whether continuously or intermittently, provided that care is taken that the diocese does not suffer any detriment from their absence; however, this time cannot be combined with the time granted to them for the occasion of their promotion, or the visit to the Holy See, or attendance at a Council, or with the time of vacations in the following year.

[*Latin ed. p. 73*]

Book Second - On Persons 73 § 3. From the cathedral church, there must not be an absence during the seasons of Advent and Lent, on the days of the Nativity, the Resurrection of the Lord, Pentecost, and the Body of Christ, unless due to a grave and urgent cause. § 4. If, without just cause, they have been absent from the diocese for more than six months, the Metropolitan Bishop, according to canon 274, number 4, shall report to the Metropolitan, the senior Suffragan residing at the Apostolic See. CANON 339. § 1. They must also, after taking possession of the see, without any excuse of lack of resources or other exception, apply the Mass for the people assigned to them on all Sundays and other obligatory feast days, even if they are suppressed. § 2. On the feast of the Nativity of the Lord, and if any obligatory feast falls on a Sunday, it is sufficient to apply one Mass for the people. § 3. If a feast is transferred so that, on the day to which it is transferred, not only is the office celebrated with the Mass of the transferred feast, but also the obligations of hearing Mass and abstaining from servile work are observed, then the Mass for the people must be applied on the day to which it is transferred; otherwise, it must be applied on the day from which it was transferred. § 4. The Bishop must himself apply the Mass for the people on the days mentioned above; if he is legitimately prevented from celebrating it, he must have it applied by another on those days; if he cannot do this, he must apply it on another day, either by himself or by another. § 5. It is permissible for a Bishop to govern two or more dioceses equally or, besides his own diocese, to administer another or others, but he fulfills the obligation by celebrating and applying one Mass for the entire people assigned to him. § 6. The Bishop who has not fulfilled the obligation mentioned in the preceding paragraphs must apply as many Masses for the people as he has omitted, as soon as possible. CANON 340. § 1. All Bishops are bound to make a report to the Supreme Pontiff every five years regarding the state of the diocese entrusted to them, according to the form provided by the Apostolic See. § 2. The five-year periods are fixed and common, and are counted from January 1, 1911; in the first five-year period, the Bishops of Italy, the islands of Corsica, Sardinia, Sicily, Malta, and other smaller adjacent islands, must present the report; in the second, the Bishops of

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Spain, Portugal, France, Belgium, Holland, England, Scotland, and Ireland, together with the adjacent islands; in the third, the other Bishops of Europe, together with the adjacent islands; in the fourth, the Bishops of the entire America and the adjacent islands; in the fifth, the Bishops of Africa, Asia, Australia, and the islands adjacent to these parts of the world. § 3. If the year assigned for presenting the report falls entirely or in part within the first two years of the bishop's tenure of the diocese, the Bishop may, for that occasion, abstain from preparing and presenting the report.

[*Latin ed. p. 74*]

74. Code of Canon Law, CANON 341. § 1. All and each Bishops are bound, in the year in which they are required to submit a report, to proceed to the City of Rome, to venerate the tombs of the Blessed Apostles Peter and Paul, and to present themselves to the Roman Pontiff. § 2. But to Bishops who are outside of Europe, it is permitted to visit the City of Rome at alternating five-year intervals, that is, every ten years. CANON 342. The Bishop must fulfill this obligation either in person, or through a Coadjutor, if he has one, or, for just causes to be approved by the Holy See, through a suitable priest who resides in the same Bishop's diocese. CANON 343. § 1. In order to preserve sound and orthodox doctrine, to safeguard good morals, to correct the wicked, to promote peace, innocence, piety, and discipline among the people and the clergy, and for other matters that are properly conducive to the good of religion, Bishops are bound to visit their dioceses annually, either in whole or in part, so that at least every five years they inspect the entire diocese, either personally or, if they are legitimately hindered, through a Vicar General or another. § 2. It is permissible for a Bishop to assign two clerics, even from the Chapter, whether cathedral or collegiate, to accompany and assist him in the visitation; and he may choose those whom he prefers, rejecting any contrary privilege or custom. § 3. If a Bishop seriously fails to fulfill the obligation mentioned in § 1, the prescription of canon 274, nos. 4, 5, is to be observed. CANON 344. § 1. Ordinary episcopal visitations are subject to: persons, pious institutions, and places, even if exempt, which are contained within the territory of the diocese, unless it can be proven that a special exemption from visitation has been granted to them by the Apostolic See. § 2. However, the Bishop may visit religious orders only in the cases expressly stated in law. CANON 345. The Visitor, with regard to those things which pertain to the object and purpose of the visitation, must proceed with paternal solicitude, and recourse is granted from his precepts and decrees only in a devolutive manner; in other cases, however, it is necessary for the Bishop to proceed according to the law, even during the visitation. CANON 346. Bishops should strive to complete the pastoral visitation with due diligence, but without unnecessary formalities: they must take care not to impose any heavy burdens or expenses on anyone, nor must they, or anyone of their

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household, ask for or accept any gift of any kind on account of the visitation, under pain of censure.

[*Latin ed. p. 75*]

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CAN. 347. Within his territory, the Bishop precedes all Archbishops and Bishops, except Cardinals, Pontifical Legates, and his own Metropolitan; outside his territory, the norms handed down in canon 106 are to be observed.

CAN. 348. § 1. Titular Bishops cannot exercise any power in their diocese, of which they do not take possession.

§ 2. Out of charity, but without obligation, it is fitting that they sometimes apply the sacrifice of the Mass for their diocese.

CAN. 349. § 1. From the date of authentic notification of the canonical provision, Bishops, whether residential or titular:

1.° In addition to other privileges which are listed in their titles, enjoy the privileges mentioned in canon 239, § 1, nos. 7-12; as well as no. 2, even that which pertains to matters reserved to the Ordinary of the place; no. 3, with at least presumed consent of the Ordinary of the place; no. 4, provided that they are not obliged to celebrate in the cathedral; nos. 5, 6, provided that they observe the rites prescribed by the Church.

2.° They have the right to carry the insignia of a Bishop, according to the norms of the liturgical laws.

§ 2. Furthermore, residential Bishops, upon taking possession, have the right:

1.° To receive the revenues of the episcopal table;

2.° To grant indulgences of fifty days in places within their jurisdiction;

3.° To raise the throne with a baldachin in all churches of their diocese.

CHAPTER II. On Coadjutors and Auxiliary Bishops.

CAN. 350. § 1. It belongs to the one Roman Pontiff to appoint a Coadjutor to a Bishop.

§ 2. A Coadjutor is usually appointed to a Bishop with the right of succession; but sometimes he is also appointed to a see.

§ 3. A Coadjutor appointed to a Bishop without the right of succession is specially called an Auxiliary.

CAN. 351. § 1. The rights of a Coadjutor appointed to a Bishop are derived from the apostolic letters by which he is appointed.

§ 2. Unless otherwise stated in these letters, a Coadjutor appointed to a Bishop who is completely incapacitated has all the rights and offices of

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a Bishop; the others can only exercise those powers which the Bishop has entrusted to them.

[*Latin ed. p. 76*]

76. Codex Iuris Canonici § 3. Quid Coadiutor potest et vult exercere, Episcopus habitualiter alii non delegat. § 4. Coadiutor, iusto impedimento non detentus, debet, quoties fuerit a Coadiutore requisitus, pontificalia et alias functiones obire, ad quas Episcopus ipse teneretur.

352. CAN. Coadiutor sedi datus potest in territorio ea quae sunt ordinis episcopalis exercere, excepta sacra ordinatione; aliis in rebus tantum potest, quantum eidem a Sancta Sede vel ab Episcopo fuerit commissum.

CAN. 353. § 1. Quilibet Coadiutor, ut canonicam sui officii possessionem capiat, necesse est litteras apostolicas ostendat Episcopo.

§ 2. Coadiutor cum futura successione et Coadiutor sedi datus debent praeterea easdem ostendere Capitulo ad normam can. 334, § 3.

§ 3. Si Episcopus eum in statum inciderit ut eliciendi actus humani sit impos, praetermisso praescripto § 1, solum praescriptum § 2 ab omnibus Coadiutoribus servetur.

CAN. 354. Coadiutor quilibet obligatione tenetur, sicut Episcopus, residendi in dioecesi, e qua, extra tempus vacationum, ad normam can. 338, ipsi non licet, nisi ad breve tempus, Coadiuto permittente, discedere.

CAN. 355. § 1. Coadiutor cum iure successionis, vacante sede episcopali, statim evadit Ordinarius dioecesis, pro qua fuerat constitutus, dummodo possessionem legitime ceperit, ad normam can. 353, §§ 2, 3.

§ 2. Cum Episcopi munere exspirat Auxiliaris officium, nisi aliud in litteris apostolicis caveatur.

§ 3. Si Coadiutor datus fuerit sedi, eius officium etiam sede vacante perdurat.

CAPUT III. De Synodo dioecesana.

CAN. 356. § 1. In singulis dioecesibus celebranda est decimo saltem quoque anno dioecesana Synodus, in qua de iis tantum agendum quae ad particiliares cleri populique dioecesis necessitates vel utilitates referuntur.

§ 2. Si Episcopus plures dioeceses aeque principaliter unitas regat, aut unam habeat in titulum, alteram aliasve in perpetuam administrationem, potest unam tantum dioecesanam Synodum ex omnibus dioecesibus convocare.

[*Latin ed. p. 77*]

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77 C A N. 357. § 1. The diocesan synod is convened and presided over by the Bishop, not by the Vicar General unless he has a special mandate, nor by the Capitular Vicar.

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§ 2. It must be held in the cathedral church, unless a reasonable cause suggests otherwise.

C A N. 358. § 1. The following are to be called to the synod, and they must attend:

1.° The Vicar General;

2.° The canons of the cathedral church or the diocesan consultors;

3.° The rector of the diocesan seminary, at least of the major seminary;

4.° The vicars forane;

5.° A representative of each collegiate church, to be chosen from its members by the chapter of that church;

6.° The parish priests of the city in which the synod is held;

7.° At least one parish priest from each vicariate forane, to be chosen by all those who actually have care of souls there; the elected parish priest must, during his absence, provide a substitute for himself in accordance with canon 465, § 4;

8.° The abbots, and one of the superiors of each clerical religious order who reside in the diocese, designated by the provincial superior, unless the provincial house is located in the diocese, and the provincial superior himself prefers to attend.

§ 2. The Bishop may, if he deems it opportune, call others to the synod, and even all the canons, parish priests, religious superiors, and indeed all the secular priests of his diocese, except those who are necessary to ensure that the care of souls does not cease in the parishes; those who are invited have the right to vote in all matters, just like the others, unless the Bishop expressly states otherwise in the invitation.

C A N. 359. § 1. Those who are required to attend the synod, if they are detained by a legitimate impediment, may not send a proxy to attend the synod in their name; but they must inform the Bishop of the impediment.

§ 2. The Bishop may compel and punish those who are negligent with just penalties, unless the case concerns exempt religious who are not parish priests.

C A N. 360. § 1. The Bishop, if he sees fit, may, at an opportune time before the synod, appoint one or more commissions, or groups of men, from the clergy of the city and diocese, to deal with the matters to be discussed at the synod.

§ 2. Before the sessions of the synod, the Bishop must ensure that all those who have been summoned and who are present are given a draft of the decrees.

C A N. 361. All questions proposed are submitted to free discussion by those present in the preparatory sessions, either by the Bishop himself or

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through another.

[*Latin ed. p. 78*]

78. Codex Iuris Canonici 362. CANON. • The Bishop alone is the legislator in the Synod, while the others have only a consultative vote; he alone subscribes to the synodal constitutions; which, if promulgated in the Synod, begin to be binding immediately, unless otherwise expressly stated. CHAPTER IV. Concerning the Diocesan Curia. CANON. 363. § 1. The diocesan curia consists of those persons who assist the Bishop, or someone who, in the place of the Bishop, governs the diocese, in the administration of the entire diocese; § 2. Therefore, it includes the Vicar General, the official, the chancellor, the promoter of justice, the defensor vinculi, the synodal judges and examiners, the parish consultors, the auditors, the notaries, the messengers, and the attendants. CANON. 364. § 1. The appointment of those who exercise the aforementioned offices or duties shall be recorded in writing, according to canon 159. § 2. Those appointed must: * 1.° Take an oath in the hands of the Bishop to faithfully exercise their office, setting aside all considerations of persons; 2.° Carry out the matters pertaining to them under the authority of the Bishop, according to the law; 3.° Maintain secrecy within the limits and in the manner determined by law or by the Bishop. CANON. 365. Concerning the official, the promoter of justice, the defensor vinculi, the synodal judges, the auditors, the messengers, and the attendants, the prescriptions of canons 1573-1593 shall be observed; concerning the Vicar General, the chancellor, and other notaries, the synodal examiners, and the parish consultors, the prescriptions of the following canons shall be observed. ARTICLE I. — Concerning the Vicar General. CANON. 366. § 1. Whenever the administration of the diocese requires it, a Vicar General must be appointed by the Bishop, who will assist him with ordinary power throughout the territory. § 2. The Vicar General is freely designated by the Bishop, who can remove him at his pleasure. § 3. Only one Vicar General shall be appointed, unless the diversity of rites or the extent of the diocese requires otherwise; but, if the Vicar General is absent or unable to perform his duties, the Bishop can appoint another to take his place.

[*Latin ed. p. 79*]

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CAN. 79 367. § 1. The Vicar General shall be a priest from the secular clergy, not less than thirty years of age, holding a doctorate or license in theology and canon law, or at least truly experienced in those disciplines, and recommended for sound doctrine, probity, prudence, and experience in managing affairs.

§ 2. If a diocese has been entrusted to a religious order, the Vicar General may be a member of that same order.

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§ 3. The office of Vicar General shall not be entrusted to a canon penitentiary, or to relatives of the Bishop, especially in the first degree, or in the second degree mixed with the first, or, unless absolutely necessary, to a parish priest or others who have care of souls; but the Bishop is not prohibited from appointing a Vicar General from within the same diocese.

CAN. 368. § 1. To the Vicar General, by virtue of his office, belongs throughout the entire diocese the jurisdiction in spiritual and temporal matters, which belongs to the Bishop by ordinary right, except for those matters which the Bishop has reserved to himself, or which require a special mandate from the Bishop by law.

§ 2. Unless otherwise expressly stipulated, the Vicar General may execute apostolic rescripts which have been sent to the Bishop, or to the preceding rector of the diocese, and generally, the habitual faculties granted to the Ordinary of the place by the Holy See also pertain to him, according to can. 66.

CAN. 369. § 1. The Vicar General shall report the principal acts of the Curia to the Bishop, and shall inform him of those matters which are being done or are to be done in order to maintain discipline among the clergy and the people.

§ 2. He is to take care not to use his powers contrary to the mind and will of his Bishop, according to the firm prescription of can. 44, § 2.

CAN. 370. § 1. Even in the presence of the Bishop, the Vicar General has the right of public precedence over all clerics of the diocese, not excluding those holding dignities and canonical offices in the cathedral church, even in the choir and in capitular acts, unless the cleric bears the episcopal character, and the Vicar General lacks that character.

§ 2. If the Vicar General is a Bishop, he obtains all the honorary privileges belonging to titular Bishops; otherwise, during his term of office, he has only the privileges and insignia of a titular Apostolic Protonotary.

CAN. 371. The jurisdiction of the Vicar General expires through his own resignation, according to can. 183-191, or through revocation by the Bishop, or through the vacation of the episcopal see; it is, however, suspended by the suspension of the episcopal jurisdiction.

[*Latin ed. p. 80*]

Codex Iuris Canonici, PART II. – Concerning the Chancellor and other Notaries, and the Episcopal Archive.

CAN. 372. § 1. In every Curia, a chancellor shall be appointed by the Bishop, who must be a priest, whose principal duty it shall be to keep the records of the Curia in the archive, to arrange them in chronological order, and to prepare an index of the same.

§ 2. If necessity demands, an assistant may be appointed to him, who shall be called the vice-chancellor or vice-tabularius.

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§ 3. The chancellor is, by this very fact, a notary.

CAN. 373. § 1. Besides the chancellor, the Bishop may also appoint other notaries, whose handwriting or signature gives public validity.

§ 2. These may be appointed either for all acts, or only for judicial acts, or only for the preparation of acts pertaining to a particular cause or matter.

§ 3. If clerics are lacking, they may be chosen from the laity; but in criminal cases concerning clerics, the notary must be a priest.

§ 4. Chancellors and other notaries must be of impeccable reputation and above all suspicion.

§ 5. All may be removed or suspended by him who appointed them, or by his successor or superior, but not by the Vicarius Capitularis, unless with the consent of the Chapter.

CAN. 374. § 1. The duties of notaries are: 1.° To record acts or instruments concerning dispositions, obligations, judicial citations and notifications, decrees, sentences, and other matters for which their services are required; 2.° To faithfully reproduce in writing what is done, and to sign the same with the indication of the place, day, month, and year; 3.° To exhibit, to those who legitimately request them, the acts or instruments from the registry, preserving them diligently, and to declare that the copies are conformable to the original.

§ 2. A notary may not record acts except within the territory of the Bishop by whom he was appointed, or for the matter for which he was legitimately appointed.

CAN. 375. § 1. Bishops shall establish in a safe and convenient place the diocesan archive or tabularium, in which instruments and writings pertaining to the diocesan affairs, both spiritual and temporal, shall be suitably arranged and diligently kept under lock and key.

§ 2. With all diligence and care, an inventory or catalog of the documents contained in the archive shall be prepared, with a brief synopsis of each writing.

[*Latin ed. p. 81*]

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81 C A N. 376. § 1. Each year, during the first half of the year, to the inventory or catalogue shall be added those documents which were completed during the preceding year or which have otherwise been overlooked.

§ 2. The Ordinary shall diligently INQUIRE after documents and writings which may have been inadvertently misplaced or scattered; and all necessary measures shall be taken to ensure that these documents are returned to the archive.

C A N. 377. § 1. It is fitting that the archive be kept locked, and that no one be permitted to enter it without the permission of the Bishop or the

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General Vicar and the chancellor.

§ 2. One chancellor shall hold the key to this archive.

C A N. 378. § 1. It is not permitted to remove documents from the archive without the consent of the Bishop or the General Vicar; and such documents shall be returned to their proper place within three days. However, it is reserved to the Ordinary to extend this period, but such extension shall be granted only sparingly.

§ 2. Whoever removes a document from the archive shall leave with the chancellor a signed written statement, signifying this fact.

C A N. 379. § 1. Furthermore, the Bishop shall have another secret archive, or at least a completely locked cabinet or chest within the common archive, which may not be removed from its place. Within this, documents to be kept secret shall be guarded with the utmost care; but each year, as soon as possible, the documents pertaining to criminal cases involving matters of morals, in which the lives of individuals have been forfeited, or which have been definitively condemned by sentence for a period of ten years, shall be burned, with the exception of a brief summary of the facts together with the text of the final sentence.

§ 2. An inventory or catalogue of this secret archive or cabinet shall also be prepared, according to the norms of canon 375, § 2.

§ 3. This archive or cabinet shall be opened with two keys, which are different from each other, one of which shall be kept with the Bishop or the Apostolic Administrator, and the other with the General Vicar, or, if the General Vicar is absent, with the chancellor of the Curia.

§ 4. The Bishop or Apostolic Administrator, having the second key, may himself, without anyone present, open and inspect the secret archive or cabinet, as needed, and shall then close it again with both keys.

C A N. 380. Immediately upon taking possession, the Bishop shall designate a priest who, in the event of the Bishop's absence or impediment, shall assume the key to the secret cabinet or archive which was held by the Bishop.

C A N. 381. § 1. Unless an Apostolic Administrator has been appointed to the diocese: 1.° If the Bishop is impeded according to canon 429, § 1, the priest designated by the Bishop shall, provided that the administration of the diocese is entrusted to an ecclesiastical person, ACTA, vol. IX, Part II. 6

[*Latin ed. p. 82*]

82. The delegated official of the Canon Law, or the Vicar General, shall hand over the key; if it is with the Vicar General, he shall retain it. 2.° If the See is vacant or impeded according to the aforementioned canon 429, § 3, the same priest shall hand over the key to the Vicar Capitular immediately after his designation; and the Vicar General or the Chancellor shall, at the same time, hand over another key retained by him to the first

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dignity of the Chapter or to the diocesan consultors, according to their ancient function. § 2. Before the keys are handed over to those to whom they must be delivered according to § 1, the Vicar General or the Chancellor, and the priest designated by the Bishop as mentioned above, shall seal the chest or cabinet with the seals of the Curia.

CAN. 382. § 1. The chest or cabinet shall never be opened, nor shall the seals be removed from it, except in urgent necessity, and by the Vicar Capitular in the presence of two canons or diocesan consultors, who shall ensure that no document is removed from the chest; but the Vicar Capitular alone, with the aforementioned canons or consultors present, may inspect the documents kept in the chest, but never remove them. After inspection, the archive shall be resealed. § 2. To the newly appointed Bishop, if the seals have been removed and the chest or cabinet has been opened, the Vicar Capitular shall give an account of the urgent necessity that led to this.

CAN. 383. § 1. Bishops shall take care that inventories or catalogs of the archives of cathedrals, collegiate churches, parishes, as well as of confraternities and pious foundations, are prepared in two copies, one of which shall be kept in their own archive, and the other in the episcopal archive, according to the firm prescription of canon 470, § 3, 1522, nn. 2, 3, 1523, n. 6. § 2. Original documents shall not be removed from the aforementioned archives, except according to canon 378.

CAN. 384. § 1. Any person who has a legitimate interest may have access to the documents kept in the archives of parishes and of the Curia, and may request that a legitimate copy of them be transcribed and delivered at their expense. § 2. The Chancellors of the Curia, the parish priests, and other custodians of archives shall observe the rules given by legitimate ecclesiastical authority in communicating documents and their copies, and in cases of doubt, they shall consult the local Ordinary.

ART. III. — Concerning synodal examiners and parish consultors.

CAN. 385. § 1. In every diocese, there shall be synodal examiners and parish consultors, all of whom shall be appointed at the Synod, proposed by the Bishop, and approved by the Synod.

[*Latin ed. p. 83*]

Book Second - On Persons 83 § 2. As many shall be chosen as the Bishop, by his prudent judgment, shall deem necessary, but not less than four, nor more than twelve. CAN. 386. § 1. In the meantime between one Synod and another, if examiners and parochial consultors should die or, for some other reason, cease from their office, the Bishop shall replace them with other pro-synodal members, with the advice of the cathedral chapter. § 2. This rule shall also be observed in appointing examiners and parochial consultors whenever a Synod is not held. CAN. 387. § 1. Examiners and parochial consultors, whether appointed in a Synod or outside of a Synod, after ten

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years from the beginning of their office, or even sooner, upon the arrival of a new Synod, fall from office; they may, however, complete a business already begun, and, observing what is legally to be observed, may be reappointed. § 2. Those who are appointed in the place of examiners and parochial consultors who are lacking, shall remain in office only as long as those to whom they were appointed would have remained. CAN. 388. They cannot be removed by the Bishop, unless for a grave reason and with the advice of the cathedral chapter. CAN. 389. § 1. The synodal examiners diligently apply themselves, especially to matters concerning the provision of parishes, as well as to processes concerning which reference is made in canons 2147 and following. § 2. For the purpose of examinations concerning the ordination of clerics and the approval of priests who request the faculty of hearing sacramental confessions or of giving sacred discourses, and for the examinations concerning which reference is made in canon 130, it is fitting for the Bishop, or for the synodal examiners, or for others, to be employed. CAN. 390. The same person may be both an examiner and a parochial consultor, but not in the same case. CHAPTER V. On Chapters of Canons. CAN. 391. § 1. A chapter of canons, whether cathedral, collegiate, or prebendal, is a college of clerics instituted in order to offer more solemn worship to God in the church, and, if it is a cathedral chapter, to assist the Bishop, according to the sacred canons, as his senate and council, and, in the vacancy of the see, to supply his place in the government of the diocese.

[*Latin ed. p. 84*]

84. Codex Iuris Canonici § 2. A collegiate chapter is called a prebendal or collegiate church if it enjoys this title by apostolic privilege or by ancient custom.

C A N. 392. The institution or erection, innovation, and suppression of both cathedral and collegiate chapters are reserved to the Apostolic See.

C A N. 393. § 1. In every collegiate church, there shall be dignities and canons, among whom various offices are distributed; there may also be other minor benefices in one or more grades.

§ 2. A chapter consists of dignities and canons, unless, with regard to the dignities, something else is established by the collegiate constitutions; but not of inferior beneficiaries or prebendaries, who assist the canons.

§ 3. Canonries without annexed emoluments shall not be instituted without a special concession from the Apostolic See.

C A N. 394. § 1. In numbered chapters, there shall be as many prebends as there are canons; in unnumbered chapters, as many as the Bishop, after consulting the chapter, judges can be decently maintained from the revenues.

§ 2. The erection of dignities is reserved to the Apostolic See; but it is within the power of the Bishop, with the consent of the chapter, to restore

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extinguished dignities, and to add other prebends, whether canonical or beneficial, to the prebends already existing in the chapter.

§ 3. In cathedral and collegiate churches, where the prebends are so few, together with the daily distributions, that they are clearly insufficient to maintain the canons properly, the Bishop, after consulting the chapter and obtaining the permission of the Holy See, may either unite several simple prebends into one, or, if this cannot be provided, suppress some prebends, with the consent of the patrons, if the patronage is legally held by laymen, and apply the fruits and revenues of the remaining prebends to the daily distributions, and reduce the number of prebends to such a number as may suitably correspond to the celebration of divine worship and the dignity of the church.

C A N. 395. § 1. In both cathedral and collegiate churches in which there are no daily distributions, or in which they are so few that they are clearly insufficient, the Bishop shall separate one-third of the fruits, revenues, and offerings received from the dignities, canonries, offices, and other benefices of that church, and convert them into daily distributions.

§ 2. If, for any reason, distributions cannot be introduced, the Bishop shall establish pecuniary allowances for the negligent dignities, canons, and beneficiaries, which shall correspond to the distributions and take their place.

[*Latin ed. p. 85*]

Book Second - Concerning Persons 85 § 3. Distributions are given to those who are diligent, with any collusion or remission excluded; but if dignities have revenues distinct from and separate from those of the mass or the goods of the canons, the distributions belonging to them are given to other present dignities, if any are present, otherwise to the fabric of the church, as it may require, or to another pious purpose, at the discretion of the Bishop. § 4. From each Chapter, according to the statutes of each, one or more censors, or scrutineers, are to be appointed, who shall note those absent from the divine offices daily, having first sworn before the Chapter or its president, by oath, to faithfully perform their duty; to whom the Bishop may add another scrutineer; and if there are no scrutineers present, the senior of the canons present shall supply the place of those absent. CANON 396. § 1. The collation of dignities, both in cathedral and collegiate Chapters, is reserved to the Apostolic See. § 2. The option [to accept or decline a position] is prohibited, a custom contrary to the law having been disapproved, but the law of the foundation is preserved. § 3. At least the first dignity in the cathedral Chapter, as far as possible and all other things being equal, should possess a doctorate in sacred theology or canon law. CANON 397. Unless otherwise provided in the chapter statutes, it is the right and duty of the dignities and canons, according to the order of precedence: 1.° To supply the place of the Bishop in performing the

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sacred functions on the more solemn festivals of the year; 2.° When the Bishop is celebrating in pontifical ceremonies, to offer the aspersorium at the entrance of the church and to perform the office of assisting presbyter; 3.° To minister the Sacraments to the Bishop; and, when he dies, to perform the proper funeral rites; 4.° To convene the Chapter and to preside over it, and to prescribe and order what pertains to the direction of the choir, provided that the dignity is from the body of the Chapter. CANON 398. § 1. In no cathedral church shall the office of canon theologian be wanting, and, where it can be done, the office of canon penitentiary. § 2. Even in collegiate churches, especially those of note, the office of canon theologian and penitentiary may be established. CANON 399. § 1. The canon theologian and penitentiary are to be chosen who are best suited for the quality of the place to perform their proper duties; but, all other things being equal, doctors in sacred theology are to be preferred, if it concerns the canon theologian, in sacred theology or canon law, if it concerns the penitentiary; it is also desirable that the canon penitentiary shall have completed the age of thirty years. § 2. The theological and penitential prebends should not be conferred unless...

[*Latin ed. p. 86*]

86. The Code of Canon Law previously stipulated that the life, morals, and doctrine of candidates should be thoroughly examined, subject to the law governing elections, where such elections are held. § 3. A canon penitentiary is forbidden from simultaneously undertaking or exercising another office in the diocese to which external jurisdiction is attached.

CAN. 400. § 1. Canon theologians are to publicly explain the sacred Scriptures, on days and at hours designated by the Bishop, together with the Chapter's council, in the church; but the Bishop, if he judges it more useful, may entrust them with explaining other arguments of Catholic doctrine in the church. § 2. The canon theologian fulfills his office either personally or, if he is prevented for more than six months, at his own expense, through another priest appointed by the Bishop. § 3. The Bishop can, for a serious reason, assign a canon theologian to teach sacred disciplines in the seminary, instead of giving readings in the church.

CAN. 401. § 1. The canon penitentiary, both in the cathedral church and in collegiate churches, possesses by law the ordinary power to absolve from sins and from censures reserved to the Bishop, even for those from outside the diocese, and for those from within the diocese who are outside the territory of the diocese. § 2. He must reside in the designated chapter church, to be available at times convenient for the faithful, according to the judgment of the Bishop, and to be present for those who come to confess their sins, and also during the times of divine office.

CAN. 402. If the care of souls is attached to the Chapter, this is to be exercised by the parochial vicar, according to canon 471.

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CAN. 403. Except for dignities, it pertains to the Bishop, after hearing the Chapter, to confer all and singular benefices and canonries in both cathedral and collegiate churches, rejecting any contrary custom and revoking any contrary privilege, but subject to the law and prescription of canon 1435, § 3.

CAN. 404. § 1. The Bishop confers canonries upon priests who are outstanding in doctrine and integrity of life. § 2. In the collation of canonries, all other things being equal, consideration should be given to those who have been recognized as doctors in sacred theology or canon law in some university, or who have commendably exercised ecclesiastical ministry or teaching, according to the prescription of canon 130, § 2.

CAN. 405. § 1. Dignitaries, canons, and beneficiaries, having legitimately taken possession of their benefice, according to canons 1443-1445, immediately acquire, according to their rank,

[*Latin ed. p. 87*]

Book Second - On Persons 87. Besides the insignia and privileges proper to them, canons possess a stall in the choir, the right to receive the fruits and distributions, and a voice in the chapter, according to canon 411, § 3. § 2. The prescription of canons 1406-1408 regarding the profession of faith to be made by them before entering into possession must be observed.

C A N. 406. § 1. It belongs to the Bishop, and not to the General Vicar, nor to the Capitular Vicar, to nominate canons to the honorary office, whether diocesan or extra-diocesan, with the advice of the chapter to which the canon is to be assigned; but the Bishop rarely and cautiously exercises this right.

§ 2. When a Bishop nominates a canon to the honorary office from another diocese, he must obtain the consent of the Ordinary to whom he is subject, besides the advice of his own chapter, under penalty of the nomination being invalid; and he must also show the insignia and privileges of which the nominated canon will make use from then on.

§ 3. The number of canons honorary who reside outside the diocese in which they are nominated must be less than one-third of the number of canons titular.

C A N. 407. § 1. Canons honorary of a certain basilica or collegiate church of the Holy City can only use their privileges and insignia within the ambit of that same basilica or collegiate church and its filial churches; canons honorary of other churches outside the City use their privileges and insignia only in the diocese in which they are nominated, and not outside that diocese, unless according to canon 409, § 2.

§ 2. Canons honorary, besides the insignia and privileges, or honorary rights, also possess a stall in the choir.

C A N. 408. § 1. In the same collegiate church, the cathedral chapter

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precedes the collegiate chapter, even if the latter has insignia; the chapter with insignia precedes the chapter without insignia; within the same chapter, except for particular statutes or legitimate customs, the dignitaries precede the canons, maintaining their order among themselves; the canons who are older, that is, who entered into possession first, precede those who are younger; the canons titular precede the canons honorary; the canons honorary precede the beneficiaries; and the dignitaries, whether belonging to the chapter or adorned with the episcopal character, precede all other dignitaries and canons in the presbyteral order.

§ 2. In chapters in which there are distinct presbyteral, diaconal, and subdiaconal stalls, the precedence of order must be observed; and within the same order, the precedence of reception into the order is observed, and not into the chapter.

C A N. 409. § 1. In every church, whether cathedral or collegiate, those who are constituted in the episcopal dignity must wear the episcopal vestment in the choir; all others, dignitaries, canons, and beneficiaries, must wear the vestment assigned to them in the bull of erection or granted by apostolic indult; otherwise, they are considered as absent.

[*Latin ed. p. 88*]

88. Codex Iuris Canonici, § 2. Vestments proper to a choir, or special insignia of the chapter, may be worn throughout the entire diocese in which the chapter is located; but, unless a contrary custom exists, not outside the diocese, unless they accompany the Bishop, or represent the Bishop or the chapter at councils or other solemnities.

CAN. 410, § 1. Every chapter shall have its own statutes, which shall be religiously observed by all, both those holding dignities and those who are canons, beneficed, or religious.

§ 2. Chapter statutes, established by a legitimate act of the chapter, shall be submitted to the Bishop for approval, and without his authority, they cannot subsequently be abrogated or changed.

§ 3. If, by order of the Bishop, the chapter fails to draw up statutes within six months from the notification, the Bishop shall draw them up and impose them upon the chapter.

CAN. 411, § 1. At a time and place that are convenient, the canons shall assemble to deal with the affairs of their church and of the chapter; furthermore, other assemblies may be held as often as it seems expedient to the Bishop, to the head of the chapter, or to the majority of the canons.

§ 2. For the holding of an ordinary assembly, no special convocation is necessary; but for an extraordinary assembly, one is required, and it shall be carried out according to the chapter statutes.

§ 3. In chapters, the canons, excluding honorary canons, have the right to speak, and the dignities, if, together with the canons, they constitute the

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chapter according to canon 393, § 2.

CAN. 412, § 1. The canons, whether of a cathedral or collegiate church, are obliged, when invited by the Bishop, to assist and serve at the solemn celebration of the Mass or other pontifical functions by the Bishop, even in other churches within the city or suburb, provided that, in the judgment of the Bishop, a sufficient number of canons and ministers remain in the church. They shall also attend the Bishop upon his arrival at the cathedral and accompany him upon his departure, according to the norms of the Caeremoniales Episcoporum.

§ 2. The Bishop may appoint and retain two canons from the cathedral or collegiate church to assist him in ecclesiastical matters and in the service of the diocese.

CAN. 413, § 1. Every chapter is bound to perform the divine office daily in the choir, according to the proper rites, unless the laws of the foundation provide otherwise.

§ 2. The divine office includes the chanting of the hours and the celebration of the conventual Mass with singing, in addition to other Masses that are to be celebrated according to the rubrics of the Missal, or according to pious foundations.

§ 3. It is permissible to celebrate the conventual Mass without singing weekly, when the Bishop, or someone in his place, celebrates in the church according to the pontifical rite.

[*Latin ed. p. 89*]

Book Second - Concerning Persons

CAN. 89 414. All those who hold a choral benefice are bound to perform the divine offices daily within the choir itself, unless service by turns has been granted by the Apostolic See or by the laws of the foundation.

CAN. 415. § 1. If a cathedral or collegiate church is also parochial, the legal relations between the Chapter and the parish priest are governed by the following norms, unless otherwise provided by a grant from the Apostolic See or by a particular agreement made at the time of the parish's erection and legitimately approved by the local Ordinary.

§ 2. The following pertain to the parish priest:

1.° To say Mass for the people and, at the proper time, to preach and to instruct the faithful in the Christian doctrine;

2.° To keep the parish books and to extract certificates from them;

3.° To perform the parochial functions mentioned in can. 462. It pertains to the Chapter to perform the proper funeral rites, according to the law, within the church, including the funeral Mass, only in the case of the death of someone of dignity, or of a canon, even an honorary one, or of a beneficiary.

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4.° To perform other functions that are not strictly parochial, which are commonly performed in parishes, provided that the choral service is not hindered, nor do the canons perform the same functions;

5.° To collect alms for the benefit of the parishioners, to receive the same offerings directly or indirectly, to administer them, and to distribute them according to the will of the donors.

§ 3. The following pertain to the Chapter:

1.° To safeguard the most holy Sacrament of the Eucharist; but a second key to the sacristy should be kept by the parish priest;

2.° To see to it that the laws of the liturgy are observed in the functions performed by the parish priest in the chapter church;

3.° To take care of the church and to administer its goods with pious prudence.

§ 4. Neither the parish priest nor the Chapter shall hinder the parochial functions and duties of the other; but if a conflict arises, the local Ordinary shall resolve the matter, who should primarily ensure that catechetical instruction and the explanation of the Gospel are always available to the faithful at a convenient time.

§ 5. Not only may the Chapter not hinder the parish priest in the exercise of his parochial duties, but moreover, the canons should be aware that they are bound by charity, especially if designated coadjutors are lacking, to offer their assistance, according to the manner determined by the local Ordinary.

CAN. 416. In the chapter statutes, a just norm should be established, by which canons and beneficiaries shall perform service at the altar by turns, both as celebrant and also as ministers of the deacon and subdeacon, except for those holding dignities, the canon theologian, the penitentiary, and, if distinct prebends are held, canons of the presbyteral order.

[*Latin ed. p. 90*]

90. Codex Iuris Canonici, CAN. 417. § 1. Missa conventualis applicanda est pro benefactoribus in genere.

§ 2. Capitularis, infirmitate detentus, non tenetur eleemosynam praebere sacerdoti capitulari, qui ipsius vicem supplet in Missae conventualis celebratione et applicatione, nisi statuta capitularia vel particularis consuetudo aliud ferant.

§ 3. Servari potest consuetudo praebendi stipem celebranti vel ex cumulo distributionum vel ex reditibus omnium praebendarum per contributum.

CAN. 418. § 1. Reprobata contraria consuetudine, canonici ac beneficiarii quotidiano choro adstricti, possunt singuli abesse tres tantum menses in anno, sive continuos sive intermissos, dummodo propriae ecclesiae statuta aut legitima consuetudo servitium diuturnius non requirant.

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§ 2. Sine causa legitima et speciali Episcopi licentia nec feriari licet Quadragesimae et Adventus tempore, aut in praecipuis anni sollemnitatibus de quibus in can. 338, § 3; nec permittitur uno eodemque tempore capitulares ultra tertiam partem abesse.

§ 3. Tempore vacationum omne genus distributiones amittuntur, non obstante remissione ab aliis capitularibus facta; sed percipiuntur praebendae proventus aut duae tertiae distributionum partes, si omnes praebendae proventus in distributionibus consistant.

CAN. 419. § 1. In ecclesiis in quibus non omnes simul choro intersunt, qui ad eum adstringuntur nequeunt per alium huic obligationi satisfacere, nisi in casibus particularibus, iusta ac rationabili de causa, et modo substitutus eodem tempore servitio chori non sit adstrictus, et sit in eadem ecclesia canonicus, si agatur de supplenda vice canonici, beneficiarius, si de beneficiarii; qui vero ad chorum non adstringuntur, obligatione residendi in loco beneficii non tenentur per dies quibus a choro absunt.

§ 2. Si quis eodem die urgeatur onere utriusque Missae et pro populo et conventuali, hanc ipse celebret applicetque per se, illam per alium vel per se die sequenti.

CAN. 420. § 1. Ita excusantur a choro ut percipiant fructus praebendae ac distributiones quotidianas: 1.° Capitulares iubilati ad normam can. 422, § 2; 2.° Canonicus theologus singulis diebus quibus suo munere fungitur; 3.° Canonicus poenitentiarius dum tempore chori vacat confessionibus audiendis; 4.° Vicarius paroecialis aliusve e Capitulo sive parochus sive coadiutor ab Episcopo deputatus, dum paroecialibus vacat officiis; 5.° Qui infirmitate aliove physico impedimento choro prohibentur assistere;

[*Latin ed. p. 91*]

Book Second - On Persons 91 6.° Those who perform pontifical duties elsewhere or who serve in the affairs of the Roman Pontiff; 7.° Those engaged in pious exercises according to canon 126; however, they are excused from choir service only once per year by dispensation; 8.° Those accompanying the Bishop or acting in his stead when visiting the Holy Places; 9.° Those sent by the Bishop or Chapter to an Ecumenical Council, plenary council, provincial council, or diocesan synod; 10.° Those who, with the consent of the Chapter, and without objection from the Bishop, are absent from the choir for the benefit of the Chapter or of their own church; 11.° Those who assist the Bishop in performing sacred duties according to canon 412; 12.° Those who accompany the Bishop in the visitation of the diocese, or who perform the visitation itself in his name and by his mandate; 13.° Those who labor to complete processes in cases concerning which reference is made in canons 1999 and following, or who are called as witnesses in these cases, for the days and hours during which they perform this duty; 14.° Parish vicars, examiners, and synodal judges, while performing their proper duties. § 2. The distributions mentioned above

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are received only by those listed in § 1, nos. 1, 7, 11, and 13, unless the express will of the founders prevents it. CAN. 421. § 1. The following are excused from the choir, but receive only the fruits of the benefice, and not the distributions: 1.° Those who, with the permission of the local Ordinary, publicly teach sacred theology or canon law in schools recognized by the Church; 2.° Those who devote themselves to the study of sacred theology or canon law in public schools approved by the Church, with the permission of the Ordinary; 3.° The capitular vicar, the general vicar, the official, and the chancellor, if they are members of the chapter, while performing their duties; 4.° Canons who serve the Bishop. § 2. If all the fruits of the benefice consist of distributions, or if they are so small that they do not amount to one-third of a distribution, then all those mentioned above receive only two-thirds of the distributions, accumulated from the fruits of the benefice and the distributions. CAN. 422. § 1. Those who enjoy the fruits of a benefice may obtain from the Apostolic See alone the dispensation of emeritus status, or, as they say, of initiation, after forty years of continuous and laudable service in the same or different churches within the same city or at least the same diocese. § 2. Jubilatees, even if they do not reside in the place of the benefice, receive both the fruits of the benefice and the distributions, even among the present, unless the express will of the founders or donors, the statutes of the church, or custom prevents it. § 3. The right to choose [a benefice], if it belongs by law to the foundation, does not belong to a capitular jubilate.

[*Latin ed. p. 92*]

92 Codex Iuris, CAPUT VI. De consultoribus dioecesanis.

CAN. 423. In illis dioecesibus ubi adhuc non potuit constituí aut restituí Capitulum canonicorum cathedralis, Episcopus, servatis particularibus praescriptis ab Apostolica Sedé, instituit consultores dioecesanos, id est, sacerdotes qui commendati sunt pietate, moribus, doctrina et prudentia.

CAN. 424. Episcopus nominat consultores, firmiter praescripto can. 426.

CAN. 425. § 1. Consultores dioecesani numero sint saltem sex; in dioecesibus ubi pauci sunt sacerdotes, saltem quatuor; ipsi omnes commorantur in civitate episcopali vel in locis vicinioribus.

§ 2. Antequam munus huiusmodi suscipiant, iuramentum interponant de officio fideliter exsequendo sine ulla acceptione personarum.

CAN. 426. § 1. Officium consultorum est ad triennium.

§ 2. Exacto triennio, Episcopus vel alios in eorum locum substituat, vel eosdem ad aliud triennium confirmet, quod idem servetur singulis trienniis.

§ 3. Deficiente, quavis de causa, aliquo consultore intra triennium, Episcopus alium de consilio ceterorum consultorum substituat, isque in officio maneat usque ad expletum idem triennium.

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§ 4. Cum vero triennium excidisse contigerit vacante sede episcopali, consultores in officio maneant usque ad accessum novi Episcopi, qui intra sex menses ab inita possessione providere debet ad normam huius canonis.

§ 5. Si, sede vacante, aliquis consultor moriatur vel renuntiet, Vicarius Capitularis, de consensu aliorum consultorum, alium nominet, qui tamen, ut munere, sede plena, fungatur, indiget novi Episcopi confirmatione.

CAN. 427. Coetus consultorum dioecesanorum vices Capituli cathedralis, qua Episcopi senatus, supplet; quare quae canones ad gubernationem dioecesis, sive sede plena sive ea impedita aut vacante, Capitulo cathedrali tribuent, ea de coetu quoque consultorum dioecesanorum intelligenda sunt.

CAN. 428. Durante munere, consultores ne removeantur, nisi ob iustam causam ac de consilio ceterorum consultorum.

[*Latin ed. p. 93*]

Book Second - On Persons, CHAPTER 93, SECTION VII. Concerning a hindered or vacant See, and the Capitular Vicar. CANON 429. § 1. If the See is hindered by the Bishop's captivity, relegation, exile, or disability, to such an extent that he cannot even communicate with the diocesan clergy by letter, the governance of the diocese, unless the Holy See provides otherwise, belongs to the Bishop's General Vicar, or to another ecclesiastical person delegated by the Bishop. § 2. In such a case, the Bishop may, for a grave reason, delegate several individuals who shall succeed each other in office. § 3. If these are lacking, or, as stated above, are hindered, the Cathedral Chapter of the church shall appoint its own Vicar, who shall assume the governance with the power of a Capitular Vicar. § 4. He who undertakes the governance of the diocese, as stated above, shall, as soon as possible, inform the Holy See of the hindered See and of the office he has undertaken. § 5. If the Bishop incurs excommunication, interdict, or suspension, the Metropolitan, and in his absence, or if he is involved in the same matter, the senior among the Suffragans, shall immediately appeal to the Apostolic See, so that it may provide; and if the matter concerns a diocese or a praelature, as mentioned in canon 285, the Metropolitan who was legitimately elected is bound to appeal. CANON 430. § 1. The episcopal See is vacant by the Bishop's death, by his resignation accepted by the Roman Pontiff, or by his transfer and deprivation being intimated to him. § 2. Nevertheless, except for the granting of benefices or ecclesiastical offices, everything is valid that has been done by the General Vicar, until he has received certain news of the Bishop's death; or, by the Bishop or General Vicar, until certain news of the aforementioned pontifical acts has reached them. § 3. Upon receiving certain news of the transfer, the Bishop must, within four months, petition for the diocese to which he is transferred and assume canonical possession thereof, according to canons 333 and 334, and from the day of taking possession, the diocese from which he is fully vacant; meanwhile,

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in that diocese, the Bishop: 1.° obtains the power of a Capitular Vicar and is bound by the same obligations; the power of the General Vicar ceases; 2.° retains the honorary privileges of residential bishops; 3.° receives the full fruits of the episcopal mensal, according to canon 194, § 2, k. CANON 431. § 1. If the See is vacant, unless there is an Apostolic Administrator or unless the Holy See has otherwise provided, the governance of the diocese devolves to the Cathedral Chapter of the church. § 2. Where, by a special disposition of the Holy See, the Archbishop...

[*Latin ed. p. 94*]

94 The Code of Canon Law, or another Bishop, shall appoint an Administrator for the vacant diocese; this person shall possess all and only the faculties that belong to the Vicar Capitular, and shall be subject to the same obligations and penalties. CAN. 432. § 1. The cathedral chapter, when the see is vacant, must, within eight days from receiving notification of the vacancy, appoint a Vicar Capitular who shall govern the diocese in place of the absent bishop, and, if the duty of receiving revenues is entrusted to him, one or more faithful and diligent officials as stewards. § 2. If the chapter fails to appoint a Vicar or steward for any reason within the prescribed time, the appointment shall devolve to the Metropolitan; but if the church itself is metropolitan, or is both metropolitan and suffragan, it shall devolve to the senior of the suffragan bishops. § 3. Even in the case of a vacant diocese or abbey or pre-latial church, as mentioned in can. 285, if the chapter does not nominate a Vicar or steward within eight days, the Metropolitan who has been legitimately elected according to the aforementioned canon shall appoint him, unless in an abbey or pre-latial church, provision is otherwise made according to the regulations. § 4. The chapter shall as soon as possible inform the Apostolic See of the death of the Bishop and then of the elected person, regarding his election as Vicar Capitular. CAN. 433. § 1. Only one person shall be appointed as Vicar Capitular, contrary to any previous custom; otherwise, the election is invalid. § 2. The appointment of the Vicar Capitular and stewards must be made by a capitular act according to canons 160-182, except for the special provisions of this chapter, and its validity requires an absolute majority of votes, excluding any null votes. § 3. The same person may be appointed as Vicar Capitular and steward. CAN. 434. § 1. A cleric cannot be validly appointed as Vicar Capitular if he has not yet been promoted to the sacred order of the priesthood, or has not completed his thirtieth year of age, or has been elected, nominated, or presented for the same vacant see. § 2. Furthermore, the Vicar Capitular should be a doctor or licentiate in theology or canon law, or at least very proficient in those disciplines, and in him, integrity of character, piety, sound doctrine, and prudence should be evident. § 3. If the conditions prescribed in § 1 are not met, the Metropolitan, or if the metropolitan church is vacant, or if the matter concerns the metropolitan chapter itself, the senior bishop

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of the province, upon recognizing the truth of the matter, shall appoint a Vicar for that occasion; but the acts of the person who had been elected by the chapter are, by law, null and void. CAN. 435. § 1. Just as, before the appointment of the Vicar Capitular, the ordinary jurisdiction of the Bishop passes to the chapter, so afterwards, the ordinary jurisdiction passes to the Vicar Capitular in

[*Latin ed. p. 95*]

Book Second - On Spiritual and Temporal Matters 95, except those expressly prohibited to him by law. § 2. Therefore, the Chapter and subsequently the Capitular Vicar can do all that which is enumerated in canon 368, § 2; moreover, they possess the faculty of granting the exercise of pontifical functions in any diocese to a Bishop, indeed, if the Capitular Vicar is a Bishop, he himself can exercise these functions, with the exception of the use of the throne with a baldachin. § 3. The Capitular Vicar and the Chapter are not permitted to do anything which could cause any prejudice to the diocese or to the episcopal rights; in particular, the Capitular Vicar and others, whether from the Chapter or outsiders, clerics or laity, are prohibited from taking, destroying, concealing, or altering any documents belonging to the episcopal curia. C A N. 436. When the See is vacant, nothing shall be innovated. C A N. 437. In appointing a Vicar, the Chapter cannot retain any part of the jurisdiction for itself, nor can it, in performing his office, set a predetermined time limit or any other restriction. C A N. 438. The Capitular Vicar, having made the profession of faith as mentioned in canon 1406, immediately acquires jurisdiction, without any confirmation being necessary. C A N. 439. Whatever is prescribed in canon 370 concerning the General Vicar, the same shall be understood to apply to the Capitular Vicar. C A N. 440. The Capitular Vicar is bound to reside in the diocese and to offer Masses for the people according to the norms of canons 338 and 339. C A N. 441. Unless otherwise legitimately provided: 1.° The Capitular Vicar and the economist have the right to a suitable compensation, designated by the provincial council or customarily granted, to be taken from the revenues of the episcopal mensal or from other emoluments; 2.° All other emoluments, during the time that the episcopal see is vacant, shall be reserved for the future Bishop for the needs of the diocese, if they would have belonged to the Bishop when the church was not vacant. C A N. 442. The economist of ecclesiastical affairs manages and administers the care and administration of the revenues, but under the authority of the Capitular Vicar. C A N. 443. § 1. The removal of the Capitular Vicar and the economist is reserved to the Holy See; an authentic resignation must be presented to the Chapter, from which, however...

[*Latin ed. p. 96*]

96. The *Codex Iuris Canonici* does not require that [a certain docu-

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ment] be accepted in order for it to be valid; however, the appointment of a new Vicar or administrator, after the resignation, death, or removal of the previous one, pertains to the Chapter, and must be carried out according to canon 432, § 2. Furthermore, their office ceases with the commencement of the new Bishop's possession, according to canon 334, § 3.

CAN. 444, § 1. The new Bishop must demand an accounting from the Chapter, from the Vicar Capitular, from the administrator, and from other officials who were appointed during the vacancy, regarding the offices, jurisdiction, administration, or ministry of each, and he must admonish those who have been negligent in their office or administration, even if, after giving an accounting, they have obtained absolution or release from the Chapter or from those delegated by the Chapter.

§ 2. They must also give an accounting to the new Bishop of any documents pertaining to the Church that have come into their possession.

CHAPTER VIII. Concerning Vicars Forane.

CAN. 445. A Vicar Forane is a priest who is appointed by the Bishop to a vicariate forane, as mentioned in canon 217.

CAN. 446, § 1. For the office of Vicar Forane, the Bishop shall choose a priest whom he judges worthy, especially among the rectors of parish churches.

§ 2. The Vicar Forane can be removed at the will of the Bishop.

CAN. 447, § 1. In addition to the faculties granted to him by the provincial or diocesan synod, and according to the norms legitimately established in that synod or to be established by the Bishop, it is the right and duty of the Vicar Forane to diligently oversee, above all:

1.° Whether the clergy within his area or district lead a life according to the sacred canons and diligently fulfill their offices, especially concerning the law of residence, the preaching of the divine word, the instruction of children and adults in the catechism, and the obligation to assist the sick;

2.° Whether the decrees issued by the Bishop during the sacred visitation are carried out;

3.° Whether due precautions are taken regarding the matter of the Sacrifice of the Eucharist;

4.° Whether the decorum and beauty of churches and sacred furnishings, especially in the custody of the Most Holy Sacrament and during the celebration of Mass, are carefully maintained; whether the sacred functions are celebrated according to the prescriptions of the sacred liturgy; whether ecclesiastical goods are diligently administered, and the properties attached to them.

[*Latin ed. p. 97*]

Book Second - On Persons 97, that the duties, especially those pertaining to the Masses, are duly fulfilled; and that the parochial books are correctly

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written and preserved. § 2. To ensure that all these things are carried out, the vicarius foraneus must, at times established by the Bishop, visit the parishes of his district. § 3. It also pertains to the vicarius foraneus, as soon as he hears that a parish priest of his district is seriously ill, to see to it that he does not lack spiritual and material assistance, and that, upon his death, he receives a proper funeral; and to ensure that, whether he is ill or deceased, the books, documents, sacred vessels, and other things belonging to the church are not lost or stolen.

CAN. 4 4 8. § 1. The vicarius foraneus must, on days designated by the Bishop, convene the priests of his own district for meetings or discussions, as mentioned in canon 1 3 1, and preside over them; and if there are more such gatherings in various places within the district, he must ensure that they are properly conducted. § 2. If there is no parish priest, he must reside within the territory of the vicariate or in another place not too far away, according to norms defined by the Bishop.

CAN. 4 4 9. At least once a year, the vicarius foraneus of his own vicariate must give an account to the Ordinary of the place, explaining not only what has been done well within the year, but also what has gone wrong, what scandals have arisen, what remedies have been applied to correct them, and whatever else he considers necessary to do to eradicate them from the root.

CAN. 4 5 0. § 1. The vicarius foraneus must have his own seal for the vicariate. § 2. He precedes all the parish priests and other priests of his district.

CHAPTER X. On Parish Priests.

CAN. 4 5 1. § 1. A parish priest is a priest or a moral person to whom a parish has been assigned as a title, with the care of souls to be exercised under the authority of the Ordinary of the place. § 2. Parish priests are equal to all other parish priests with all the rights and obligations pertaining to a parish, and they act in the name of the parish priests: 1.° Quasi-parish priests, who govern quasi-parishes, as mentioned in canon 2 1 6, § 3; 2. Parish vicars, if they are endowed with full parochial authority. § 3. Regarding chaplains of the military, whether senior or junior, the specific prescriptions of the Holy See must be followed.

CAN. 4 5 2. § 1. Without the permission of the Apostolic See, a parish cannot be fully united with a moral person, so that the moral person itself is the parish priest, according to canon 1 4 2 3, § 2. ACTA, vol. IX, Part II. 7

[*Latin ed. p. 98*]

98. Code of Canon Law § 2. A moral person to whom a parish is fully united can only retain habitual care of souls, with the understanding that, with regard to actual matters, the prescription of canon 471 is to be observed.

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C A N. 453. § 1. In order for someone to be validly appointed as a parish priest, he must be constituted in the sacred order of the priesthood.

§ 2. Furthermore, he must be endowed with good morals, doctrine, zeal for souls, prudence, and other virtues and qualities that are required by both common and particular law for the proper governance of a vacant parish with honor.

C A N. 454. § 1. Those who are appointed to administer a parish as its proper pastors must be stable in it; however, this does not prevent all from being removed according to the law.

§ 2. But not all parish priests have the same stability; those who enjoy greater stability are usually called "inamovable," while those who have less are called "removable."

§ 3. Inamovable parishes cannot be made removable without the approval of the Apostolic See; removable parishes can be declared inamovable by the Bishop, but not by the Vicarius Capitularis, with the advice of the Cathedral Chapter; new parishes that are established are inamovable, unless the Bishop, with his own prudent judgment, considering the particular circumstances of the place and people involved, after hearing the Chapter, has decreed that removability is more appropriate.

§ 4. Quasi-parishes are always removable.

§ 5. Parish priests who belong to a religious family are always, by reason of their person, removable at the will of either the local Ordinary, with the warning of the Superior, or the Superior, with the warning of the Ordinary, with equal right, without the requirement of the consent of the other; nor are either of them obliged to reveal the cause of their judgment to the other, and much less to approve of it, except for the right of appeal to the Apostolic See.

C A N. 455. § 1. The right to nominate and institute parish priests belongs to the local Ordinary, except for parishes reserved to the Holy See, with the contrary custom disapproved, but with the privilege of election or presentation preserved, if it legitimately belongs to someone.

§ 2. When the See is vacant or impeded according to canon 429, it pertains to the Vicarius Capitularis or another who governs the diocese: 1.° to constitute vicars of the parishes according to canons 472-476; 2.° to confirm the election or accept the presentation to a vacant parish, and to grant the institution to the elected or presented; 3.° to confer parishes of free collation, if the see has been vacant for at least one year.

§ 3. None of these things pertain to the Vicarius Generalis without a special mandate, except for the prescription cited in canon 429, § 1.

[*Latin ed. p. 99*]

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CAN. 99 456. For parishes entrusted to religious orders, the Superior, to

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whom this pertains according to the constitutions, presents a priest of his own religious order to the local Ordinary; who, observing the prescription of canon 459, § 2, grants the appointment.

CAN. 457. The local Ordinary appoints quasi-parishes from the secular clergy, after hearing the Council, as mentioned in canon 302.

CAN. 458. When a parish is vacant, the local Ordinary must provide for it according to canon 155, unless special circumstances of the place and the persons involved suggest to the prudent judgment of the Ordinary that the granting of the parochial title should be postponed.

CAN. 459. § 1. The local Ordinary, with grave consideration for his conscience, is obligated to assign the vacant parish to the one whom he judges to be more suitable for governing it, without any regard for persons.

§ 2. In this judgment, account must be taken not only of doctrine, but also of all those qualities which are required for the proper governance of a vacant parish.

§ 3. Therefore, the local Ordinary must: 1.° See to it that he gathers any documents, if they exist, from the archives of the Curia, which concern the appointment of a cleric, and that he prudently seeks out information, even secret information, if he deems it appropriate, even from places outside the diocese; 2.° Keep in mind the prescription of canon 130, § 2; 3.° Subject the cleric to an examination on doctrine before himself and synodal examiners; from which, with the consent of the aforementioned examiners, he may dispense, if the priest in question is commended for his excellence in theological doctrine.

§ 4. In regions in which the provision of parishes is made through a process, either special according to the constitution *Cum illud*, of Benedict XIV, December 14, 1742, or general, this procedure must be followed, until the Apostolic See decrees otherwise.

CAN. 460. § 1. A parish priest, according to canon 156, may hold only one parochial title, unless it concerns parishes which are equally principal and united.

§ 2. In the same parish, there must be only one parish priest who actually cares for the souls, the contrary custom being disapproved of, and any contrary privilege being revoked.

CAN. 461. The parish priest obtains the care of souls from the moment of taking possession, according to canons 1443-1445; and before taking possession, or in the very act of taking possession, he must make a profession of faith, as mentioned in canon 1406, § 1, n. 7.

[*Latin ed. p. 100*]

Codex Iuris Canonici

CAN. 462. The functions proper to the parish priest are reserved to him, unless otherwise provided by law: 1.° To confer Baptism solemnly; 2.° To

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administer the Most Holy Eucharist publicly to the sick within his own parish; 3.° To administer the Most Holy Eucharist publicly or privately as Viaticum to the sick, and to anoint those in danger of death with Extreme Unction, subject to the prescriptions of can. 397, n. 3, 514, 848, § 2, 938, § 2; 4.° To announce sacred ordinations and intended marriages; to assist at marriages; to impart the nuptial blessing; 5.° To perform the proper funeral rites according to can. 1216; 6.° To bless houses according to the liturgical books, on Holy Saturday or on another day according to the custom of the place; 7.° To bless the baptismal font on Holy Saturday, to lead a public procession outside the church, and to impart blessings outside the church with solemnity, unless it concerns a collegiate church, and the Chapter performs these functions.

CAN. 463. § 1. The parish priest has the right to receive the offerings which are given to him, either by approved custom or by a legitimate collection, according to can. 1507.

§ 2. He is obliged to demand what is due.

§ 3. Even if a particular office has been performed by another, the offerings belong to the parish priest, unless it is certain that the one offering did not intend to give more than the customary amount.

§ 4. The parish priest must not refuse spiritual ministry to those who are unable to pay, provided they are not legitimately exempt.

CAN. 464. § 1. The parish priest is, by virtue of his office, obliged to exercise pastoral care over all his parishioners who are not legitimately exempt.

§ 2. The Ordinary may, for just and serious reasons, remove religious families and pious houses, which are located within the parish territory and are not exempt by law, from the pastoral care of the parish priest.

CAN. 465. § 1. The parish priest is obliged to reside in the parochial house near his church; however, the Ordinary of the place may, for just reasons, permit him to reside elsewhere, provided that the house is not so far from the parochial church that the performance of his duties suffers any detriment.

§ 2. He may be absent for a maximum of two months within the year, either continuously or intermittently, unless a more serious reason requires a longer absence, or a shorter absence is permitted.

§ 3. The days on which the parish priest dedicates himself to pious exercises, according to can. 126, are not counted, once a year, within the two months of absence mentioned in § 2.

[*Latin ed. p. 101*]

Book Second - On Persons 101 § 4. Whether the time of vacation be continuous or intermittent, if the absence is to last longer than a week, the parish priest, except in cases of legitimate necessity, must have a written

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license from the Ordinary and a substitute vicar approved by the same Ordinary to act in his place; and if the parish priest is a religious, he requires, moreover, the consent of his Superior, and the substitute must be approved both by the Ordinary and by the Superior. § 5. If the parish priest is compelled to leave suddenly and for a serious reason, and to be absent for more than a week, he must inform the Ordinary as soon as possible in writing, indicating the reason for his departure and the priest who will serve in his place, and he must obey the instructions given to him. § 6. Even for a shorter period of absence, the parish priest must provide for the needs of the faithful, especially if particular circumstances require it. CAN. 466. § 1. The parish priest is bound by the obligation to offer the Mass for the people, according to the norm of canon 339; the quasi-parish priest, according to the norm of canon 306. § 2. The parish priest who governs several parishes equally as principal, or who, besides his own parish, has charge of another or others, must offer only one Mass for the people entrusted to him on the days prescribed. § 3. The Ordinary of the place may, for a just cause, permit the parish priest to offer the Mass for the people on a day other than the one to which he is legally bound. § 4. The parish priest shall celebrate the Mass for the people in the parish church, unless circumstances require or suggest that the Mass be celebrated elsewhere. § 5. A legitimately absent parish priest may offer the Mass for the people either himself, in the place where he resides, or through a priest who performs his duties in the parish. CAN. 467. § 1. The parish priest must celebrate the divine offices, administer the Sacraments to the faithful whenever they legitimately request it, know his flock and prudently correct those who err, embrace the poor and the afflicted with paternal charity, and take the greatest care in the instruction of children in Cattolica. § 2. The faithful are to be reminded to attend frequently, whenever it can be done conveniently, their parish churches, and there to participate in the divine services and hear the word of God. CAN. 468. § 1. With diligent care and abundant charity, the parish priest must assist the sick in his parish, and especially those who are near death, carefully restoring them with the Sacraments and commending their souls to God. § 2. It is permitted to the parish priest or any other priest who assists the sick to grant them the apostolic blessing with a plenary indulgence at the point of death, according to the form given in the approved liturgical books, and this blessing must not be omitted.

[*Latin ed. p. 102*]

102. *Codex Iuris Canonici*, canons 4, 6, 9. The parish priest shall diligently take care that nothing contrary to the faith and morals be taught in his parish, especially in public and private schools, and he shall foster or establish works of charity, faith, and piety.

103. *Codex Iuris Canonici*, canon 470. § 1. The parish priest shall have parish books, that is, a book of baptisms, a book of confirmations, a book of

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marriages, and a book of the deceased; he shall also, as far as possible, prepare a book concerning the state of souls; and he shall write and diligently preserve all these books, according to the usage approved by the Church or prescribed by his own Ordinary.

§ 2. In the book of baptisms, it shall also be noted whether the baptized has received confirmation, contracted marriage, with the exception of the prescription of canon 1107, or has received the sacred order of subdeacon, or has made a solemn profession; and these notations shall always be referred to in the document of reception of baptism.

§ 3. At the end of each year, the parish priest shall send an authentic copy of the parish books to the episcopal curia, except for the book concerning the state of souls.

§ 4. The parish priest shall use a seal and shall have a chest or archive in which the aforementioned books shall be kept, together with the letters of the Bishops and other documents that need to be preserved; he shall carefully see to it that all these things do not come into the hands of outsiders, and that they may be inspected by the Ordinary or his delegate, or at another appropriate time.

CHAPTER X. Concerning parochial vicars.

104. *Codex Iuris Canonici*, canon 471. § 1. If a parish is united by full right to a religious house, a cathedral chapter, or another moral person, a vicar must be appointed who shall actually care for the souls, to whom a suitable portion of the fruits shall be assigned, at the discretion of the Bishop.

§ 2. Except in the case of a legitimate privilege or custom, or a vicariate endowment made by the Bishop, in which case the Bishop reserves the free right of nomination, the religious superior, the chapter, or another moral person shall present the vicar; but the local Ordinary shall appoint him, if he is suitable, with due observance of canon 459.

§ 3. If the vicar is a religious, he is removable as is a religious parish priest, as mentioned in canon 454, § 5; all other vicars are perpetual on the part of the one who presents them, but they can be removed by the Ordinary, as in the case of parish priests, after warning the one who presented them.

§ 4. To the vicar exclusively belongs the entire care of souls, with all the rights and obligations of a parish priest, according to the norms of common law and according to the approved diocesan statutes or laudable customs.

[*Latin ed. p. 103*]

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CAN. 472. When a parish is vacant: 1.° The Ordinary of the place shall, in the first place, appoint a suitable economic administrator, with the consent of the Superior, if a religious is involved, who shall govern the parish during the vacancy, and to whom a portion of the fruits shall be assigned

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for his proper support; 2.° Before the appointment of the economic administrator, unless otherwise provided, the coadjutor vicar shall assume the administration of the parish; if there are several coadjutors, the first; if all are equal, the one who has held the office longer; if coadjutors are lacking, the nearest parish priest; but if the parish has been entrusted to religious, the Superior of the house; the Ordinary of the place shall, in due time, determine, either in Synod or outside of Synod, which parish shall be considered nearest to each parish. 3.° He who assumes the administration of the parish according to paragraph 2, must promptly inform the Ordinary of the place of the vacancy of the parish.

CAN. 473. § 1. The economic administrator enjoys the same rights and is subject to the same duties as the parish priest, in matters concerning the care of souls; however, nothing is permitted to him to do in the parish that could prejudice the rights of the parish priest or the parochial benefice.

§ 2. The economic administrator shall hand over the key to the archive and the inventory of books and documents and other things belonging to the parish to the new parish priest or succeeding economic administrator, before the vicariate forane or another priest designated by the Ordinary, and shall render an account of what was received and spent during the time of his administration.

CAN. 474. The substitute vicar who is appointed according to canons 465, §§ 4, 5 and canon 1923, § 2, holds the place of the parish priest in all matters concerning the care of souls, unless the Ordinary of the place or the parish priest has stipulated otherwise.

CAN. 475. § 1. If the parish priest, through old age, mental infirmity, incompetence, blindness, or another permanent cause, is unable to properly perform his duties, the Ordinary of the place shall appoint an assistant vicar, presented by the Superior, if the parish belongs to religious, who shall take his place, with a proportionate share of the fruits assigned to him, unless otherwise provided.

§ 2. To the assistant, if he completely takes the place of the parish priest, all the rights and duties pertaining to parish priests belong, except for the offering of the Mass for the people, which is the duty of the parish priest; but if he only takes the place of the parish priest in part, his rights and obligations are derived from the letters of appointment.

§ 3. If the parish priest is capable, the assistant must provide his services under his authority, according to the letters of the Ordinary.

§ 4. If it is not possible to provide for the good of souls through the assistant vicar, there is cause for the removal of the parish priest, according to canons 2147-2161.

[*Latin ed. p. 104*]

104. Codex Iuris Canonici, Canon 476. - § 1. Si pastor, propter multi-

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tudinem populi aut alias causas, non potest, iudicio Ordinarii, solus convenientem curam paroeciae gerere, ei debeantur unus vel plures vicarii cooperatores, quibus congrua remuneratio assignetur. § 2. Vicarii cooperatores possunt constituendi esse sive pro universa paroecia, sive pro determinata parte paroeciae. § 3. Non ad pastorem, sed ad Ordinarium loci, audito pastore, competit ius nominandi vicarios cooperatores e clero saeculari. § 4. Vicarios cooperatores religiosos Superior cui id ex constitutionibus competit, audito pastore, praesentat Ordinario, cuius est eosdem approbare. § 5. Vicarius cooperator tenetur obligatione in paroecia residendi secundum statuta dioecesana vel laudabiles consuetudines aut praeceptum Episcopi; immo prudenter curet Ordinarius, ad normam canonis 134, ut in eadem paroeciali domo commoretur. § 6. Eius iura et obligationes desumuntur ex statutis dioecesanis, ex litteris Ordinarii et ex ipsius parochi commissione; sed, nisi aliud expresse caveatur, ipse debet ratione officii parochi vicem supplere eumque adiuvare in universo paroeciali ministerio, excepta applicatione Missae pro populo. § 7. Subest parocho, qui eum paterne instruat ac dirigat in cura animarum, ei invigilet et saltem quotannis ad Ordinarium de eodem referat. § 8. Si nec per vicarios cooperatores spirituali fidelium bono rite consulere queat, Episcopus provideat ad normam canonis 1427. Canon 477. § 1. Vicarii paroeciales de quibus in canonibus 472-476, si religiosi sint, amoveri possunt ad normam canonis 454, § 5; alioquin ad nutum Episcopi vel Vicarii Capitularis, non autem Vicarii Generalis sine mandato speciali. § 2. Quod si vicaria sit beneficialis, vicarius cooperator removeri potest processu ad normam iuris, non solum ob causas propter quas alii parochi removeri possunt, sed etiam si graviter subiectioni defecerit parocho debitae in exercitio suarum functionum. Canon 478. § 1. Sicut pastor ecclesiae Cathedralis, ita vicarius paroecialis Capituli cathedralis praecedit omnibus aliis dioecesis parochis aut vicariis; oeconomi vero ius praecedentiae regitur normis in canonis 106 statutis. § 2. Vicarii substituti et adiutores praecedunt, dum in munere manent, vicariis cooperatoribus; hi aliis sacerdotibus ecclesiae paroeciali addictis.

[*Latin ed. p. 105*]

Book Second - Concerning Persons, CHAPTER 105, XI. Concerning the Rectors of Churches.

CANON 479, § 1. By the name of "rectors of churches" are here understood priests to whom the care of a certain church is entrusted, which is neither a parish church nor a chapter church, nor is it attached to a house of a religious community which celebrates the divine offices therein.

§ 2. Concerning the chaplain of a religious house, of a sodality of lay religious, of a confraternity, or of another legitimate association, the particular canons prescribed are to be observed.

CANON 480, § 1. The rectors of churches are freely appointed by the local Ordinary, unless the right of electing or presenting belongs to another

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legitimately; in which case, it is for the Ordinary to approve the rector.

§ 2. Even if the church belongs to a religious order exempt, the rector nevertheless appointed by the Superior must be approved by the local Ordinary.

§ 3. If the church is connected with a seminary or another college governed by clerics, the Superior of the seminary or college is also the rector of the church, unless the local Ordinary establishes otherwise.

CANON 481. In the church entrusted to him, the rector cannot perform the functions of a parish priest.

CANON 482. The rector of a church may also celebrate the divine offices and solemnities therein, provided that legitimate regulations are observed and that they do not harm the pastoral ministry; however, if there is doubt as to whether such detriment will occur or not, it is for the local Ordinary to resolve the matter and to prescribe suitable rules to avoid it.

CANON 483. If a church, in the judgment of the local Ordinary, is so distant from a parish church that the parishioners cannot attend the parish church without serious inconvenience:

1. The local Ordinary, even with severe penalties, can order the rector to celebrate the offices at more convenient times for the people, to announce to the faithful the feast days and fasts, and to provide catechetical instruction and an explanation of the Gospel;

2. The parish priest can take the Most Holy Sacrament from there, if it is kept there according to canon 1265, for the sick.

CANON 484, § 1. Without the permission of the rector, or of another legitimate superior, at least presumed, no one is permitted to celebrate Mass in the church, or to administer the Sacraments.

[*Latin ed. p. 106*]

106 The Code of Canon Law pertains to the exercising of other sacred functions; this permission must be granted or denied according to the law. § 2. Concerning sermons to be given in the church, the prescriptions of canons 1337-1342 must be observed. CAN. 485. The pastor of the church, under the authority of the local Ordinary, and with due regard for legitimate statutes and acquired rights, must take care or see to it that the divine offices are celebrated in the church in an orderly manner, according to the prescriptions of the sacred canons, that the obligations are faithfully fulfilled, that goods are properly administered, that attention is given to the preservation and adornment of sacred vessels and sacred buildings, and that nothing is done which in any way contradicts the sanctity of the place and the due reverence owed to the House of God. CAN. 486. The pastor of the church, even if elected or presented by others, can be removed by the local Ordinary for any just cause; if the pastor is a religious, the prescription of "can. 454, § 5" must be observed concerning his removal. SECOND PART

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CONCERNING RELIGIOUS ORDERS CAN. 487. The religious state or a stable way of living in common, by which the faithful, in addition to the common precepts, undertake, through vows of obedience, chastity, and poverty, to observe also the evangelical counsels, must be held in honor by all. CAN. 488. In the following canons, the following are designated by name: 1.° Religion, a society approved by legitimate ecclesiastical authority, in which members, according to the proper laws of that society, pronounce public, perpetual, or temporary vows, which, however, must be renewed after the lapse of time, and thus strive for evangelical perfection; 2.° Order, a religion in which solemn vows are pronounced; Congregation, a monastic association of several monasteries of their own right united under the same Superior; exempt religion, a religion or one in which solemn vows or simple vows are pronounced, exempt from the jurisdiction of the local Ordinary; Congregation, a religious congregation or a congregation simply, a religion in which only simple or perpetual or temporary vows are pronounced; 3.° Religion of pontifical right, a religion which has obtained either approval or at least a decree of praise from the Apostolic See; of diocesan right, a religion which has been established by the Ordinaries and has not yet obtained this decree of praise; 4.° Clerical religion, a religion in which most of the members are ordained to the priesthood; otherwise, it is a lay religion.

[*Latin ed. p. 107*]

Book Second - Concerning Persons 107

5. A house of a religious order is, in general, a dwelling of a particular religious community; a regular house is a house of an Order; a formed house is a religious house in which at least six religious have made their profession, of whom, if it concerns a clerical religious order, at least four must be priests.

6. Provinces are a union of several religious houses among themselves, under the same Superior, constituting a part of the same religious order.

7. Religious are those who have taken vows in a particular religious order; religious with simple vows, which is the same as a religious congregation; regulars are those who belong to an Order; sisters are religious with simple vows; nuns are religious with solemn vows, or, unless something else is clear from the nature of the matter or from the context of the discourse, religious whose vows, according to the institute, are solemn, but for some places, according to the prescriptions of the Apostolic See, are simple.

Superiors of higher rank: the Abbot Primate, the Abbot Superior of a monastic congregation, the Abbot of a monastery of its own right, even if it belongs to a monastic congregation, the supreme Moderator of the religious order, the provincial superior, and others who have authority similar to that of provincials.

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CAN. 489. The rules and particular constitutions of individual religious orders, provided they are not contrary to the canons of this Code, retain their force; those which are contrary to them are abrogated.

CAN. 490. Whatever is established concerning religious, even if expressed in masculine terms, applies equally to women, unless something else is clear from the context of the discourse or from the nature of the matter.

CAN. 491. § 1. Religious precede laypersons; clerical religious orders precede lay religious orders; regular canons precede monks; monks precede other regulars; regulars precede religious congregations; congregations of pontifical right precede congregations of diocesan right; in the same species, the prescription of canon 106, n. 5, is to be observed.

§ 2. However, the secular clergy precede both laypersons and religious outside their churches, and also within their churches, if it concerns a lay religious order; the cathedral or collegiate chapter precedes them everywhere.

TITLE IX. Concerning the erection and suppression of religious orders, provinces, and houses.

CAN. 492. § 1. Bishops, but not the Capitular Vicar or the General Vicar, can found religious congregations; but they must not found them, nor allow them to be founded, without the consent of the Apostolic See; and if it concerns tertiaries living in common, it is also required that they be aggregated to the supreme Moderator of the first Order of their religious order.

§ 2. A congregation of diocesan right, even if it has spread to several dioceses over time, remains, as long as it has pontifical approval or...

[*Latin ed. p. 108*]

108 If the testimony of praise is lacking, the religious institute remains a diocesan one, and is entirely subject to the jurisdiction of the Ordinary, according to the norms of law. § 3. Neither the name nor the habit of a religious institute already established can be assumed by those who do not legitimately belong to it, nor by a new religious institute. CAN. 493. Any religious institute, even one of diocesan right, once legitimately founded, even if it consists of a single house, cannot be suppressed except by the Holy See, to which it also belongs to determine regarding its goods in such a case, always, however, respecting the will of the founders. CAN. 494. § 1. To divide a religious institute of pontifical right into provinces, to unite provinces already established, or to otherwise define their boundaries, to found new ones or to suppress existing ones, to separate monasteries of their own right from a monastic Congregation and to unite them with others, pertains to the Apostolic See alone. § 2. When a province is extinguished, to determine regarding its goods, respecting the laws of justice

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and the will of the founders, unless the constitutions provide otherwise, belongs to the General Chapter, or, outside of the time of the Chapter, to the General Superior with his Council. CAN. 495. § 1. A religious institute of diocesan right cannot establish houses in another diocese without the consent of both Ordinaries, namely, that of the place where the principal house is located, and that of the place to which it wishes to move; the Ordinary from whose territory it is departing may not, without a grave reason, refuse consent. § 2. If it happens to spread to other dioceses, it is not permitted to change anything in its laws, except with the consent of the individual Ordinaries in whose dioceses it has houses, respecting those things which, according to canon 492, § 1, were subject to the Apostolic See. CAN. 496. No religious house shall be erected unless it can be prudently judged that provision will be made, either from its own revenues, or from customary alms, or in some other way, for the proper habitation and support of its members. CAN. 497. § 1. To erect a religious house, exempt, regular, or irregular, or a monastery of nuns, or any religious house in places subject to the Sacred Congregation for the Propagation of the Faith, requires the approval of the Apostolic See and the written consent of the Ordinary of the place; otherwise, the permission of the Ordinary is sufficient. § 2. The permission to found a new house carries with it the faculty, for clerical religious institutes, of having a church or public oratory annexed to the house, subject to the prescription of canon 1162, § 4, and of performing sacred ministrations, respecting the laws that are to be observed by law; for all religious institutes, of exercising pious works proper to the religious life, respecting the conditions set forth in the permission itself. § 3. In order that a school, hospital, or similar institution may be built and opened,

[*Latin ed. p. 109*]

Book II, On Religious Institutes, Chapter 109.

§ 4. If a house which has been established for a particular purpose is to be converted to other uses, the same formalities are required as those mentioned in § 1, unless the conversion pertains only to the internal administration and religious discipline, provided that the laws regarding the foundation are observed.

Canon 498. A religious house, whether formally established or not, if it belongs to a religious institute exempt from ordinary jurisdiction, cannot be suppressed without the approval of the Apostolic See; if it belongs to a congregation subject to the pontifical jurisdiction but not exempt, it can be suppressed by the highest superior, with the consent of the local Ordinary; if it belongs to a congregation subject to the diocesan jurisdiction, it can be suppressed by the authority of the local Ordinary alone, after hearing the superior of the congregation, with the exception provided for in canon 493, if it is a single house, and with the right of appeal in suspension to the Apostolic See.

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TITLE X. On the Governance of Religious Institutes.

CHAPTER I. On Superiors and Chapters.

Canon 499. § 1. All religious are subject, as their supreme superior, to the Roman Pontiff, to whom they are bound to obey, even by the force of the vow of obedience.

§ 2. The Cardinal Protector of any religious institute, unless otherwise expressly stipulated in particular cases, does not possess jurisdiction over the institute or over individual members, nor can he interfere with the internal discipline and administration of goods, but his role is solely to promote the good of the institute by counsel and patronage.

Canon 500. § 1. Religious are also subject to the local Ordinary, except those who have obtained the privilege of exemption from the Apostolic See, always preserving the power that the law grants to the local Ordinaries even with respect to them.

§ 2. Nuns who are subject to the jurisdiction of regular superiors, according to the prescriptions of the constitutions, are subject to the local Ordinary only in cases expressly provided by law.

§ 3. No religious institute of men can, without a special apostolic indult, have religious congregations of women subject to it, or retain for itself the care and direction of such congregations specifically entrusted to it.

Canon 501. § 1. Superiors and Chapters, according to the norms of the constitutions and common law, have dominion over those subject to them; in exempt religious institutes, however, they have ecclesiastical jurisdiction, both for internal and external matters.

[*Latin ed. p. 110*]

110. Code of Canon Law § 2. To all Superiors, without exception, it is strictly forbidden to intervene in cases pertaining to the Holy Office. § 3. The Abbot Primate and the Superior of a monastic Congregation do not possess the full power and jurisdiction that Common Law grants to Major Superiors, but their power and jurisdiction are derived from their own constitutions and from special decrees of the Holy See, as firmly prescribed by canons 655 and 1594. CAN. 502. The Supreme Moderator of a religious order has authority over all provinces, houses, and members of the order, to be exercised according to the constitutions; other Superiors enjoy this authority within the boundaries of their office. CAN. 503. Major Superiors in clerical religious orders, being exempt, may appoint notaries, but only for the ecclesiastical affairs of their own religious order. CAN. 504. In accordance with the specific constitutions of any religious order, which require a more advanced age and other qualifications, those who have not professed in the same order for at least ten years from their first profession, who are not born of a legitimate marriage, and who have not completed forty years of age, are ineligible for the office of Supreme Moderator or

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Abbess in a monastery of nuns; thirty years, if it concerns other Major Superiors. CAN. 505. Major Superiors are temporary, unless otherwise stipulated in the constitutions; furthermore, local Minor Superiors are not to be appointed for a term exceeding three years; after this period, they may be reappointed to the same office, if the constitutions permit, but not for a third consecutive term in the same religious house. CAN. 806. § 1. Before the election of Major Superiors in religious orders of men, all members of the Chapter shall, under oath, promise that they will elect those whom they believe to be most pleasing to God. § 2. In monasteries of nuns, the Ordinary of the place, or his delegate, together with two priest scrutineers, presides over the election of the Abbess, but does not enter the cloister; if the nuns are subject to him. Otherwise, the Regular Superior presides; but even in this case, the Ordinary must be duly notified of the day and hour of the election, and may, together with the Regular Superior, either personally or through another, attend and, if present, preside. § 3. The confessors of the nuns themselves are not to be appointed as scrutineers. § 4. In Congregations of women, the Ordinary of the place, in person or through another, presides over the election of the General Abbess; if it concerns Congregations of diocesan law, it is his duty, after the election, to confirm or annul the election, according to the dictates of his conscience.

[*Latin ed. p. 111*]

Book Second - Concerning Persons

CAN. 507. § 1. In elections held by Chapters, the common law shall be observed, as set forth in canons 160-182, except for the constitutions of each religious order, provided they are not contrary to the aforementioned.

§ 2. All are to be wary of direct or indirect procuring of votes, both for themselves and for others.

§ 3. A petition [for election] may be admitted only in an extraordinary case and provided that it is not prohibited by the constitutions.

CAN. 508. Superiors are to remain in their own houses and not depart from them, except according to the norms of the constitutions.

CAN. 509. § 1. Every Superior must promote among his subjects the knowledge of the execution of the decrees of the Holy See concerning religious.

§ 2. Local Superiors are to see to it that: 1.° At least once a year, on designated days, the constitutions themselves, as well as the decrees which the Holy See prescribes to be read publicly, are read publicly; 2.° At least twice a month, according to the firm prescription of canon 565, § 2, instruction in Christian catechesis is given to the newly converted and to family members, adapted to the condition of those listening, and, especially in religious congregations of lay people, a pious exhortation is made to all of the family.

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CAN. 510. The Abbot Primate, the Superior of a monastic congregation, and the Superior of any religious order of pontifical right, as the supreme moderator, must, every fifth year, or more frequently if the constitutions so provide, send a report on the state of the religious order to the Holy See, in writing, signed by himself and his Council, and, if it concerns a congregation of women, also by the local Ordinary in which the supreme Superior and his Council reside.

CAN. 511. The Major Superiors of religious orders, whom the constitutions designate for this office, are to visit all the houses subject to them, either in person or through others, if they are legitimately impeded, at the times specified in those constitutions.

CAN. 512. § 1. The local Ordinary is to visit in person or through another, every fifth year: 1.° Each monastery of nuns which is immediately subject to him or to the Apostolic See; 2.° Each house, whether of men or of women, of a diocesan jurisdiction.

[*Latin ed. p. 112*]

112 Code of Canon Law § 2. He must also visit at the same time: 1.° Monasteries of nuns, which are subject to rules, concerning matters pertaining to the law of enclosure; indeed, even concerning other matters, if the regular Superior has not visited them for five years; 2.° Each house of a clerical congregation of pontifical right, even if exempt, in those matters pertaining to the church, the sacristy, the public oratory, and the place for the sacrament of penance; 3.° Each house of a lay congregation of pontifical right, not only in those matters mentioned above, but also in other matters pertaining to internal discipline, according to the norm of canon 618, § 2, n. 2. § 3. With regard to the administration of goods, the prescriptions of canons 533-535 must be observed. CAN. 513. § 1. The visitor has the right and the duty of questioning those religious whom he deems it necessary to question, and of ascertaining matters pertaining to the visitation; and all religious are bound by the obligation to answer truthfully, and it is not permitted to Superiors in any way to dissuade them from this obligation, or otherwise to impede the purpose of the visitation. § 2. An appeal is granted against the decrees of the visitor only to the appellate court, unless the visitor has conducted the process according to the order of canon law. CAN. 514. § 1. In every clerical religious institute, it is the right and duty of the Superiors, either by themselves or through another, to administer the Eucharist to the sick, the novices, and others who live in the religious house day and night, for the purpose of service, education, or hospitality, or because of infirmity of health, and to administer the last anointing. § 2. In a monastery of nuns, the same right and duty belongs to the ordinary confessor, or to one who performs his duties. § 3. In another lay institute, this right and duty pertains to the parish priest of the place, or to the chaplain whom the ordinary has appointed to assist the parish priest, according

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to the norm of canon 464, § 2. § 4. In funerals, the prescriptions of canons 1221 and 1230, § 5, must be observed. CAN. 515. Mere honorific titles of dignity or office are prohibited; only those titles of offices of higher rank are tolerated, if the constitutions permit, which religious have actually held within their own institute. CAN. 516. § 1. The Supreme Moderator of a religious or monastic congregation, the provincial and local Superiors of a constituted house, must have their counselors, from whom they seek consent or advice, according to the constitutions and the sacred canons. § 2. There must also be an economist for the administration of temporal goods: a general one who administers the goods of the entire institute, and a provincial one who administers the goods of the province.

[*Latin ed. p. 113*]

Book Second - On the Persons 113 of the Congregation, whether local, individual, or of houses; who shall all perform their office under the direction of the Superior. § 3. The General and Provincial Economus cannot perform their duties; the Superior himself, however; but the duties of the local Economus, although more clearly distinct from those of the Superior, may nevertheless be combined with them, if necessity demands it. § 4. If the constitutions are silent on the manner of electing Economi, they shall be chosen by the Major Superior, with the consent of his Council. CAN. 517. § 1. Every religious institute under pontifical law shall have a General Procurator, who, according to the constitutions, shall conduct the affairs of his institute before the Holy See. § 2. Before the time prescribed in the constitutions expires, he shall not be removed without the knowledge of the Apostolic See. CHAPTER II. On Confessors and Chaplains. CAN. 518. § 1. In each house of a clerical religious institute, several confessors duly approved shall be appointed, according to the number of members, with the power, if it is a exempt religious institute, to also absolve from sins reserved to the religious order. § 2. Religious Superiors, having the power to hear confessions, may, observing the laws that must be observed, hear the confessions of their subjects, who spontaneously and of their own accord request it; but they shall not do so habitually without a serious reason. § 3. Superiors shall take care not to induce any of their subjects, either by themselves or through others, by force, fear, importunate persuasions, or any other means, to confess their sins to them. CAN. 519. If firm constitutions prescribe or encourage the performance of confession at fixed times with designated confessors, if a religious, even an exempt one, for the sake of his own conscience, goes to a confessor approved by the local Ordinary, even if he is not among those designated, the confession is valid and licit, and the confessor may absolve the religious even from sins and censures reserved to the religious order, revoking any contrary privilege. CAN. 520. § 1. In each house of a religious institute, only one ordinary confessor shall be appointed, who shall receive the sacramental confessions of the entire

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community, unless, due to the large number of members or another just cause, another or several are needed. § 2. If any religious, for the sake of his own peace of mind, and for greater progress in the way of God, desires a particular confessor or spiritual director, ACTA, Vol. IX, Part II. 8

[*Latin ed. p. 114*]

114 The Code of Canon Law requires that a confessor be appointed, and that the Ordinary readily grant this; however, he must be vigilant to prevent abuses from arising from this concession; and if such abuses occur, he must carefully and prudently eliminate them, safeguarding the freedom of conscience. 521. CAN. § 1. To each religious community, an extraordinary confessor shall be appointed, who shall visit the religious house at least four times a year, and to whom all the religious are obliged to go for confession, at least to receive absolution. § 2. The Ordinaries of the places in which religious communities exist shall designate several priests for each house, to whom the religious may readily turn for the sacrament of penance in particular cases, without it being necessary to approach the Ordinary himself each time. § 3. If any religious requests a particular confessor, it is not permitted to any Superior to inquire into the reason for the request, either directly or indirectly, through oneself or others, to object to the request in words or deeds, or in any way to show that one takes it amiss. CAN. 522. If, notwithstanding the prescription of canon 520 and 521, any religious, for the sake of her own peace of conscience, seeks out a confessor approved by the Ordinary of the place for women, the confession, whether made in any church or oratory, even a semi-public one, is valid and licit, with any contrary privilege revoked; nor can the Superior prevent this, nor inquire into the matter, not even indirectly; and the religious are not obliged to report anything to the Superior. CAN. 523. All religious, when they are seriously ill, even if there is no danger of death, may call upon any priest approved to hear women's confessions, even if he is not assigned to religious, and may confess to him as often as they wish, provided the serious infirmity persists, and the Superior cannot prevent them, either directly or indirectly. / CAN. 524. § 1. Priests, whether secular or religious, with the permission of their Superiors, who are distinguished by integrity of morals and prudence, shall be appointed as ordinary and extraordinary confessors to religious; moreover, they shall be at least forty years of age, unless a just cause, according to the judgment of the Ordinary, requires otherwise, and they shall have no power over the same religious in the external forum. § 2. The ordinary confessor cannot be the extraordinary confessor, nor, except in the cases mentioned in canon 526, can he be appointed ordinary again in the same community, unless after a year from the completion of his office; the extraordinary confessor, on the other hand, can immediately become the ordinary confessor. § 3. The confessors of religious, both ordinary and extraordinary, shall in no way interfere in the

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internal or external governance of the community. CAN. 525. If a house of religious is immediately subject to the Apostolic See or to the Ordinary of the place, he chooses the priests for the confessions, both ordinary and...

[*Latin ed. p. 115*]

Book Second - Concerning Persons 115. Extraordinary confessors; if a regular superior presents an ordinary confessor, it is for the ordinary to approve of him to hear the confessions of those nuns, and to supply the superior's negligence, if necessary. CAN. 526. The ordinary confessor of religious women shall not exercise his office for more than three years; however, the ordinary may confirm him for a second, or even a third, three-year period, if he cannot otherwise provide for this office due to a lack of suitable priests, or if the majority of the religious women, including those who do not have the right to vote, request his confirmation by secret ballot; however, if they dissent, other provisions must be made, if they wish. CAN. 527. The ordinary of the place, according to canon 880, may, for a serious reason, remove both the ordinary and the extraordinary confessors of religious women, even if the monastery is subject to the rules and the priest himself is a regular, and he is not obliged to inform anyone of the reason for the removal, except the Apostolic See, if it requires it; however, he must warn the regular superior, if the monks are subject to the rules. CAN. 528. In secular religious orders for men, according to canon 874, § 1, 875, § 2, an ordinary and an extraordinary confessor shall also be appointed; and if a religious person requires a special confessor, the superior shall grant him one, in no way inquiring into the reason for the request, nor showing displeasure at it. CAN. 529. If the matter concerns secular religious orders that are not exempt, it is the duty of the ordinary of the place to designate a priest and to approve him for hearing confessions; if they are exempt, the regular superior designates the same priests, and the ordinary supplies the superior's negligence. CAN. 530. § 1. All religious superiors are strictly forbidden to induce in any way those subject to them to make a manifestation of conscience to themselves. § 2. However, those subject to them are not prohibited from freely and willingly opening their minds to their superiors; indeed, it is fitting that they approach their superiors with filial trust, and that, if they are priests, they also express to them any doubts and anxieties of their conscience. CHAPTER III. Concerning temporal goods and their administration. CAN. 531. Not only the religious order, but also the province and the house are capable of acquiring and possessing temporal goods with stable or established revenues, unless their capacity is excluded or restricted in the rules and constitutions.

[*Latin ed. p. 116*]

116 Codes of Canon Law C A N. 532. § 1. The goods, both of the religious order and of the province and houses, are to be administered according

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to the constitutions. § 2. Officials, besides the Superiors, validly perform the expenses and legal acts of ordinary administration, within the limits of their office, provided that they are designated for this purpose in the constitutions. C A N. 533. § 1. For the placement of money as well, the prescription of canon 532, § 1, must be observed; but they are required to obtain prior consent from the Ordinary of the place: 1.° The superiors of female religious orders and of religious orders under diocesan jurisdiction, for any placement of money; indeed, if the monastery of female religious is subject to a regular superior, the consent of that superior is also necessary; 2.° The superiors in a religious congregation under pontifical jurisdiction, if the money constitutes a dowry for those who have made their profession, according to canon 549; 3.° The superior or superiors of a house of a religious congregation, if funds have been legally bequeathed to the house for the purpose of benefiting the worship of God in that very place; 4.° Any religious, even if a member of a regular order, if the money has been given to a parish or mission, or to religious for the benefit of a parish or mission. § 2. These provisions also apply to any change in the placement of funds. CAN. 534. § 1. Following the firm prescription of canon 1531, if it concerns the sale of precious items or other goods whose value exceeds the sum of thirty thousand francs or pounds, or the contracting of debts and obligations beyond the indicated sum, the contract lacks validity unless prior apostolic approval precedes it; otherwise, a written license is required and suffices, granted by the Superior according to the constitutions, with the consent of his Chapter or Council manifested by secret votes; but if it concerns female religious or nuns under diocesan jurisdiction, the written consent of the Ordinary of the place is also necessary, as well as that of the regular superior, if the monastery of female religious is subject to him. § 2. In the requests for obtaining consent to contract debts or obligations, all other debts or obligations by which the same moral person, religious order, province, or house is burdened on that day must be stated; otherwise, the obtained permission is invalid. CAN. 535. § 1. In every monastery of female religious, even if exempt: 1.° An accounting of the administration, to be presented free of charge, must be given once a year, or even more frequently if it is prescribed in the constitutions, to the Ordinary of the place, and also to the regular superior, if the monastery is subject to him; 2.° If the accounting of the administration is not approved by the Ordinary, he can take appropriate measures, even removing, if necessary, the œconomus.

[*Latin ed. p. 117*]

Book Second - Concerning Persons 117 and other administrators; if a monastery is subject to a Regular Superior, the Ordinary should admonish him to see to it; if he neglects this, he himself should take action. § 2. In other religious communities of women, the method of administering the goods which constitute endowments should be reported to the local Ordinary

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during visitation, and also more frequently, if the Ordinary deems it necessary. § 3. It shall also be the right of the local Ordinary to know: 1.° Concerning the economic affairs of a religious house under diocesan jurisdiction; 2.° Concerning the administration of funds and bequests, as mentioned in can. 533, § 1, nos. 3, 4. CAN. 536. § 1. If a moral person (whether a religious order, a province, or a house) contracts debts and obligations, even with the permission of the Superiors, it is bound to answer for them. § 2. If a religious contracts, with the permission of the Superiors, the moral person to whom the Superior gave permission must answer; if a religious who has taken simple vows, he himself must answer, unless he conducted the business with the permission of the Superior. § 3. If a religious contracts without any permission from the Superiors, he himself must answer, and not the religious order, province, or house. § 4. However, it must always be the case that action can be taken against him to whom something was originally transferred by the contract. § 5. Superiors of religious orders should be careful not to permit debts to be contracted, unless it is certain from the customary revenues that the debt can be repaid and the principal sum returned within a reasonable time through legitimate amortization. CAN. 537. Donations from the goods of a house, province, or religious order are not permitted, unless for the sake of charity or for some other just cause, with the permission of the Superior and in accordance with the constitutions. TITLE XI. Concerning admission into the religious life. CAN. 538. Any Catholic may be admitted into a religious order who is not subject to any legitimate impediment and who is moved by a right intention, and who is suitable to bear the burdens of the religious life. CHAPTER I. Concerning the postulancy. CAN. 539. § 1. In religious orders of women with perpetual vows, and if it concerns a religious order of men, the candidates, before being admitted to the novitiate, must complete a postulancy for at least six full months; in religious orders, however,

[*Latin ed. p. 118*]

118. The Code of Canon Law regarding temporary vows, concerning the necessity and the duration requested, shall be observed according to the constitutions. § 2. The Major Superior may postpone the prescribed duration of the postulancy, but not beyond another semester. CAN. 540. § 1. The postulancy must be completed either in the house of the novitiate or in another house of the religious order in which discipline is strictly observed according to the constitutions, under the special care of a proven religious. § 2. Postulants shall wear modest and distinct clothing, different from the clothing of the novices. § 3. In the monasteries of nuns, those aspiring to enter shall be subject to the law of enclosure while they are completing their postulancy. CAN. 541. Before beginning the novitiate, candidates shall dedicate themselves to spiritual exercises for at least eight full days; and, according to the prudent judgment of a confessor, they shall make a general

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confession of their past life. CHAPTER II. Concerning the Novitiate. ARTICLE I. — Concerning the requirements for admission to the novitiate. CAN. 542. With firm adherence to canons 539-541, and to the constitutions proper to each religious order, the following are admitted to the novitiate: 1.° The following are admitted validly: Those who adhere to an un-Catholic sect; Those who do not have the age required for the novitiate; Those who enter religion under coercion, grave fear, or deceit, or those whom the Superior receives in the same manner; A spouse, during the marriage; Those who are bound or have been bound by a bond of religious profession; Those against whom a penalty is imminent for a grave offense of which they are accused or may be accused; A bishop, whether residential or titular, even if he has only been designated by the Roman Pontiff; Clerics who, by oath, are bound by the Holy See to dedicate themselves to the good of their diocese or missions, for the duration of the obligation. 2.° The following are admitted illicitly, but validly: Clerics who have been ordained for the sacred ministry, without the consent of the local Ordinary, or against his will, if their departure would result in a grave detriment to souls, which cannot otherwise be avoided; Those who are heavily burdened with debts and are unable to pay them;

[*Latin ed. p. 119*]

Book Second - Concerning Persons 119 Those subject to ecclesiastical jurisdiction or involved in secular affairs, from whom religious orders might fear lawsuits and disturbances; Sons who ought to assist parents, that is, father or mother, grandfather or grandmother, when in grave necessity, and parents whose work is necessary for the sustenance or education of their children; Those destined for the priesthood in a religious order, but who are removed from it by irregularity or another canonical impediment; Orientals in Latin religious orders without written permission granted by the Sacred Congregation for the Eastern Church. CAN. 543. The right to admit to the novitiate and to subsequent religious profession, whether temporary or perpetual, belongs to the Major Superiors, with the consent of the Council or Chapter, according to the particular constitutions of each religious order.

CAN. 544. § 1. In every religious order, all those aspiring to enter must, before being admitted, present a certificate of having received baptism and confirmation. § 2. Male aspirants must also present testimonial letters from the Ordinary of their origin and of each place in which they have resided, after having completed their fourteenth year, for a morally continuous period of more than one year, unless any contrary privilege exists. § 3. If it concerns the admission of those who have been in a seminary, college, or another religious novitiate, testimonial letters are also required, issued for various cases by the rector of the seminary or college, after consulting the Ordinary of the place, or by the Major Superior of the religious order. §

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4. For clerics being admitted, in addition to the certificate of ordination, testimonial letters from the Ordinaries in whose dioceses they have resided for more than one year morally continuous after ordination are sufficient, saving the provision of § 3. § 5. For a religious who has made profession and is transferring to another religious order by apostolic indult, a certificate from the Major Superior of the previous religious order is sufficient. § 6. Besides these testimonies required by law, the Superiors, who have the right to co-opt aspirants into the religious order, may also demand others, which they deem necessary or suitable for this purpose. § 7. Finally, women must not be received unless, after careful investigations into their character and morals, have been made, according to the firm provision of § 3.

CAN. 545. § 1. Those who are obliged by law to provide testimonial letters should provide them gratuitously to the religious Superiors, not to the aspirants themselves, within three months from the date of the request, sealed and, if it concerns those who have been in a seminary, college, or another religious postulancy or novitiate, confirmed by oath by the Superior. § 2. If, for serious reasons, they judge that they cannot respond, they must explain the reasons to the Apostolic See within the same time. § 3. If they refuse the aspirant, they must...

[*Latin ed. p. 120*]

120 The Code of Canon Law requires that the Religious Superior provide a further, accurate investigation and a report worthy of belief; if, however, they provide nothing, the Superior, requiring a response that is not received, must inform the Holy See. § 4. In their testimonial letters, after having diligently investigated, even through secret information, they must report, with their consciences heavily burdened concerning the truth of what is presented, regarding the applicant's birth, morals, character, life, reputation, condition, knowledge; whether the applicant is subject to any censure, irregularity, or other canonical impediment; whether their own family is in need of their assistance; and finally, if the applicant has been in a seminary, college, or other religious institution or novitiate, for what reason they were dismissed or voluntarily departed. CAN. 546. All who receive the aforementioned information are strictly bound to maintain secrecy concerning the information received and the persons who provided it. CAN. 547. § 1. In monasteries of nuns, the applicant must bring a dowry as established in the constitutions or by legitimate custom. § 2. This dowry must be delivered to the monastery before the reception of the habit, or at least its delivery must be made secure by a legally valid form. § 3. In religious orders of simple vows, with regard to the dowry of religious women, the constitutions must be followed. § 4. The prescribed dowry cannot be condoned in whole or in part without a dispensation from the Holy See, if it concerns a religious order of pontifical right; without the permission of the local Ordinary, if it concerns a religious order of diocesan right. CAN. 548.

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The dowry becomes irrevocably the property of the monastery or religious order by the death of the religious, even if she has only professed temporary vows. CAN. 549. After the first profession of a religious, the dowry shall be placed in safe, lawful, and productive investments by the Ordinary, together with their council, with the consent of the local Ordinary and the Regular Superior, if the house depends on him; in any case, it is absolutely forbidden to spend it in any way before the religious's death, not even for building the house or paying off debts. CAN. 550. § 1. The dowries must be administered prudently and honestly in the monastery or in the habitual residence of the highest governing Mother or the Provincial Superior. § 2. Local Ordinaries must diligently oversee the preservation of the dowries of religious; and especially during canonical visitations, they must demand an accounting of them. CAN. 551. § 1. The dowry of a religious woman who departs for any reason, whether of solemn vows or simple vows, must be fully restored to her without the accrued interest.

[*Latin ed. p. 121*]

Book Second - Concerning Persons, § 2. If a religious woman, with an apostolic dispensation, transfers to another religious order, during her novitiate, the dowry is not due, saving the prescription of canon 570, § 1; but once a new profession is made, the dowry is due to that religious order; if she transfers to another monastery of the same order, the dowry is due to that monastery from the day of her transfer.

CANON 552. § 1. The superiors of religious women, even those exempt, must inform the local Ordinary, at least two months beforehand, of the impending admission to the novitiate and to the profession, whether temporary or perpetual, or solemn or simple.

§ 2. The local Ordinary, or, in his absence or impediment, a priest designated by him, must diligently and gratuitously, at least thirty days before the novitiate and before the profession, as mentioned above, inquire into the candidate's intentions, to ascertain whether she is being coerced or seduced, or whether she knows what she is doing; and, if it is clearly established that she is acting from her own pious and free will, then the candidate may be admitted to the novitiate or, after the novitiate, to the profession.

ARTICLE II. — Concerning the institution of novices.

CANON 553. The novitiate begins with the reception of the habit, or in another manner prescribed in the constitutions.

CANON 554. § 1. A house for novices must be established according to the constitutions; if it concerns a religious order of pontifical right, the permission of the Apostolic See is necessary for its establishment.

§ 2. In the same province, more than one house for novices cannot be established, unless for a grave reason and with a special apostolic dispen-

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sation, if the religious order is divided into provinces.

§ 3. Superiors must not be placed in the house for novices or in the house of studies, unless they are religious who are devoted to the study of regular observance.

CANON 555. § 1. Besides the other things enumerated in canon 542 for the validity of the novitiate, the novitiate must be completed: 1.° After having completed at least fifteen years of age; 2.° For a full and continuous year; 3.° In the house of novices.

§ 2. If a longer period of time is prescribed in the constitutions for the novitiate, it is not required for the validity of the profession, unless otherwise expressly stated in the same constitutions.

CANON 556. § 1. The novitiate is interrupted, so that it must be recommenced and completed anew, if the novice, having been dismissed by the Superior, leaves the house, or if she abandons the house without the Superior's permission, and does not return, or if, outside the house, and even if she re-

[*Latin ed. p. 122*]

Codex Iuris Canonici, si ultra triginta dies, sive continuos sive non continuos, quacunque causa, etiam cum licentia Superiorum, extra claustra manet. § 2. Si novitius, cum licentia Superiorum vel coactus, ultra quindecim, sed non ultra triginta dies, etiam non continuos, extra domum claustralem manet, ad validitatem novitiatus necesse et sufficit dies hoc modo transactos supplere; si non ultra quindecim dies, supplementum potest a Superioribus praescribi, sed non est ad validitatem necessarium. § 3. Superioribus licentiam manendi extra claustra novitiatus, nisi iusta et gravi causa, ne impertiant. § 4. Si novitius a Superioribus in aliam domum novitiatus eiusdem religionis transferatur, novitiatus non interrumpitur. 557. CAN. Integer novitiatus peragatur in habitu quem constitutiones pro novitiis praescribunt, nisi speciales locorum circumstantiae aliud exigant. 558. CAN. In religionibus in quibus duae sunt sodalium classes, novitiatus pro altera classe peractus, pro altera non valet. CAN. 559. § 1. Novitiorum institutioni praeficiendo est Magister, qui sit annos natus quinque saltem ac triginta, decem saltem ab annis a prima professione professus, prudentia, caritate, pietate, religionis observantia conspicuus et, si de clericali religione agatur, in sacerdotio constitutus. - Si ob novitiorum numerum vel aliam iustam causam expedire visum est, Magistro novitiorum adiungatur socius, eidem immediate iis quae ad novitiatus regimen spectant, annos natus saltem quinque, et decem saltem ab annis a prima professione professus, cum necessariis et opportunis. Subiectus in ecclesiasticis gradibus et a quibusque ab omnibus officiis oneribusque vacare debet, quae novitiorum et regimen impedire valeant. CAN. 560. Omi eiusque socius eligantur ad normam constitutionum. In his tempus ad durationem muneris praescriptum, siue minus, siue plus, possunt. CAN. 561. Est officium Magistri et

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socii consulendi novitiorum institutionem, ita ut nemini liceat, exceptis Superioribus quibus id admittitur ac visitatoribus; ad disciplinam vero, agi potest per Magistrum, Superiori est potestas.

[*Latin ed. p. 123*]

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CAN. 123 562. The Master of Novices is bound by a grave obligation to use all due diligence to ensure that his students are diligently instructed in religious discipline, according to the constitutions, in accordance with canon 565.

CAN. 563. Within the year of novitiate, the Master, according to the constitutions, shall submit a report to the Chapter or the Superior Major concerning the manner in which he has dealt with each student.

CAN. 564. § 1. The novitiate should be, to the extent possible, separated from that part of the house where the professed religious live, so that, unless there is a special reason and with the permission of the Superior or the Master, the novices shall have no communication with the professed, nor shall the professed have any communication with the novices.

§ 2. However, a separate place shall be assigned to the novices who have made their temporary vows.

CAN. 565. § 1. The year of novitiate should have as its purpose, under the discipline of the Master, to form the minds of the students through study of the rule and constitutions, through pious meditations and constant prayer, through learning those things that pertain to vows and to virtues, through suitable exercises to eradicate the seeds of vices, to restrain the movements of the mind, and to acquire virtues.

§ 2. Furthermore, the novices who have made their temporary vows shall be diligently instructed in Christian doctrine, with a special instruction given to them at least once a week.

§ 3. During the year of novitiate, the novices should not be excused from attending sermons or hearing confessions, or from performing external works of religion, nor should they be excused from devoting themselves to studies of letters, sciences, or arts; however, those who have made their temporary vows may perform the offices of lay brothers in the same religious house to the extent that they are not thereby hindered from the exercises established for them.

CAN. 566. § 1. Concerning priests, the prescriptions of canons 520-527 shall be observed in the case of female novices.

§ 2. In religious orders of men, except as provided in canon 519: 1.° There should be one or more confessors assigned to the novices, unless otherwise prescribed in canon 891; 2.° If the religious order is clerical, the confessors should reside in the novitiate house; if it is lay, they should at least frequently visit the novitiate house to hear the confessions of the novices; 3.° In

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addition to the ordinary confessors, some confessors should be designated whom the novices may freely consult in particular cases, and the Master should not show any displeasure at this; 4.° At least four times a year, an extraordinary confessor should be provided for the novices, to whom all should have the opportunity to go to receive a blessing.

[*Latin ed. p. 124*]

Codex Iuris Canonici, CAN. 567. § 1. Novices enjoy all the privileges and spiritual graces granted to religious life; and if they should die before taking vows, they have the same rights to prayers and suffrages as are prescribed for those who have already made their solemn vows. § 2. In the Orders, during the novitiate, they are not to be promoted. CAN. 568. During the novitiate, if the novice in any way renounces his benefits or goods, or becomes obligated in any way, such renunciation or obligation is not only illicit, but is null and void by law. CAN. 569. § 1. Before the novice makes his simple, temporary, or perpetual vows, he must, for the entire time that he will be bound by simple vows, transfer the administration of his goods to whomever he wishes, and, unless the constitutions provide otherwise, freely dispose of the use and enjoyment of the same. § 2. This transfer and disposition, if it has been omitted due to the lack of goods and these goods subsequently appear, or if it has been made and subsequently other goods are acquired in any way, shall be made or repeated according to the norms established in § 1, notwithstanding the simple vows already taken. § 3. The novice in a religious Congregation may freely make a will regarding present or future goods before taking temporary vows. CAN. 570. § 1. Unless something is expressly stipulated in the constitutions or in a written agreement regarding what must be paid for food and lodging upon entering the postulancy or novitiate, nothing can be demanded for the expenses of the postulancy or novitiate. § 2. If the aspirant has brought something and it has not been used, if he leaves the religious life without having taken vows, it shall be returned to him. CAN. 571. § 1. The novice may freely leave the religious life, or may be dismissed by the Superiors or by the Chapter, according to the constitutions, for any just cause, without the Superiors or the Chapter being obliged to disclose the reason for the dismissal. § 2. Upon the completion of the novitiate, if the novice is judged to be suitable, he shall be admitted to profession; otherwise, he shall be dismissed; if there is doubt as to whether he is suitable, the time for further testing may be extended by the Superiors for no longer than six months. § 3. Before making his vows, the novice shall engage in spiritual exercises for at least eight days.

[*Latin ed. p. 125*]

Book Second - Concerning Persons, CHAPTER III. Concerning the religious profession. CANON 572. § 1. For the validity of any religious pro-

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fession, it is required that: 1.° He who is about to make it, have the legitimate age according to canon 573; 2.° He be admitted to the profession by a legitimate Superior according to the constitutions; 3.° A valid novitiate precede, according to canon 555; 4.° The profession be made without force or grave fear or deceit; 5.° It be expressed; 6.° It be received by a legitimate Superior according to the constitutions, either by himself or by another. § 2. For the validity of a perpetual profession, whether solemn or simple, it is also required that a simple, temporary profession precede, according to canon 574. CANON 573. Whoever is about to make a religious profession must have completed the sixteenth year of age, if it concerns a temporary profession; the twenty-first year, if it concerns a perpetual, solemn, or simple profession. CANON 574. § 1. In every Order, whether of men or women, and in every Congregation which has perpetual vows, the novice, after completing the novitiate, must, in the very house of the novitiate, make the perpetual vows, whether solemn or simple, saving the prescription of canon 634, a simple profession of vows lasting for three years, or for a longer period, if the age required for perpetual profession is still distant, unless the constitutions require annual professions. § 2. This time, the legitimate Superior may, with the renewed temporary profession of the religious, prolong, but not beyond another three years. CANON 575. § 1. Upon the completion of the temporary profession, the religious, according to canon 637, either makes the perpetual profession, whether solemn or simple, according to the constitutions, or returns to the world; but also, during the time of the temporary profession, he may, if he is not deemed worthy to pronounce the perpetual vows, be dismissed by the legitimate Superior, according to canon 647. § 2. The vote of the Council or Chapter for the first temporary profession is deliberative; for the subsequent perpetual profession, whether solemn or simple, it is merely advisory. CANON 576. § 1. In making the religious profession, the prescribed rite in the constitutions must be observed.

[*Latin ed. p. 126*]

126. Code of Canon Law, § 2. The document issued upon the taking of vows, signed by the one who makes the vows and at least by the one before whom the vows are made, shall be kept in the archives of the religious order; and, moreover, if it is a solemn profession, the Superior receiving the vows must inform the parish priest of the one making the vows of this fact, according to canon 470, § 2.

CAN. 577. § 1. After the time for which the vows are made has elapsed, no delay shall be interposed in the renewal of the vows.

§ 2. However, the Superiors have the power, for a just cause, to permit the renewal of temporary vows to be anticipated for a certain time, but not beyond one month.

CAN. 578. Those who have made temporary vows, as mentioned in

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canon 574:

1.° Enjoy the same indulgences, privileges, and spiritual graces as those who have made solemn vows or those who have made simple, perpetual vows; and, if they die, they have the right to the same suffrages;

2.° They are bound by the same obligation to observe the rules and constitutions, but, where the obligation of choir exists, they are not bound by law to recite the Divine Office privately, unless they are assigned to the sacred duties or unless the constitutions expressly prescribe otherwise;

3.° They lack active and passive vows, unless otherwise expressly provided in the constitutions; however, the time prescribed for enjoying active and passive vows, if the constitutions are silent, is counted from the first profession.

CAN. 579. A simple profession, whether temporary or perpetual, renders acts contrary to the vows illicit, but not invalid, unless otherwise expressly provided; whereas, a solemn profession, if it is subject to annulment, also renders them invalid.

CAN. 580. § 1. Every one who has made simple vows, whether perpetual or temporary, unless otherwise provided in the constitutions, retains ownership of his property and the capacity to acquire other property, subject to what is prescribed in canon 569.

§ 2. Whatever is acquired by his own industry or for the sake of the religious order, is acquired for the religious order.

§ 3. The one who has made the profession may change the cession or disposition mentioned in canon 569, § 2, not indeed by his own will, unless the constitutions permit it, but with the permission of the Supreme Moderator, or, if it concerns nuns, with the permission of the Ordinary of the place, and, if the monastery is subject to a rule, with the permission of the Regular Superior, provided that the change, at least with regard to a notable part of the property, is not made in favor of the religious order; however, by leaving the religious order, such cession and disposition loses its effect.

[*Latin ed. p. 127*]

Book Second - Concerning Persons. Canon 127, 581. § 1. He who has made simple vows previously cannot validly take solemn vows, but within sixty days before the solemn profession, unless special indulgences have been granted by the Holy See, he must renounce all the goods which he actually possesses, to whomever he wishes, subject to the condition of the subsequent profession. § 2. After the profession, all things must be done immediately that are necessary to ensure that the renunciation also has effect according to civil law. Canon 582. After the solemn profession, unless special indulgences of the Apostolic See are also granted, all goods which come to the religious in any way: 1.° In an Order capable of possessing

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property, pass to the Order, or to the province, or to the house, according to the constitutions; 2.° In an Order incapable of possessing property, are acquired by the Holy See in full ownership. Canon 583. To those who have made simple vows in religious congregations, it is not permitted: 1.° To renounce the ownership of their goods by an act inter vivos, under the title of a gracious gift; 2.° To alter a will drawn up according to canon 569, § 3, without the permission of the Holy See, or, if the matter is urgent and there is no time to seek it, without the permission of the superior major, or, if he cannot be reached, the local superior. Canon 584. After one year from any religious profession, parish benefices become vacant; after three years, all others. Canon 585. He who has made perpetual, or solemn, or simple vows, loses, by his own right, the diocese which he possessed in the world. Canon 586. § 1. A religious profession, rendered invalid by an external impediment, is not validated by subsequent acts, but it is necessary that it be healed by the Apostolic See, or that it be legitimately renewed, after the nullity and the impediment have been recognized and removed. § 2. However, if it is invalid due to a defect of consent which is purely internal, it is validated by this consent, provided that the consent on the part of the religious has not been revoked. § 3. If there are serious arguments against the validity of the religious profession, and the religious refuses to renew the vow or to seek its healing, the matter must be referred to the Apostolic See.

[*Latin ed. p. 128*]

128 Code of Canon Law, TITLE XII. Concerning studies in religious orders. CAN. 587. § 1. Every religious order shall have houses of study approved by the General Chapter or by the Superiors, according to the firm prescription of canon 554, § 3. § 2. In the house of studies, a perfect communal life shall prevail; otherwise, the students cannot be promoted to the orders. § 3. If a religious order or province cannot have properly equipped houses of study, or if the houses it has are, according to the judgment of the Superiors, difficult to access, religious students shall be sent to a well-ordered house of studies of another province or order, or to the schools of the episcopal seminary, or to a public Catholic university. § 4. Religious men who are sent away from their own house for the purpose of study are not permitted to live in private homes, but it is necessary that they be received into some house of their own religious order, or, if this cannot be done, into some religious institution of men, or into a seminary or other pious house, which is presided over by men of the sacred order, and which is approved by ecclesiastical authority. CAN. 588. § 1. Throughout the entire course of studies, religious men are entrusted to the special care of a Prefect or Master of Spirits, who will instruct their minds in the religious life through suitable admonitions, instructions, and exhortations. § 2. The Prefect or Master of Spirits should be endowed with those qualities that are

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required in a Master of Novices, according to canon 559. § 3. The Superiors, moreover, shall diligently see to it that those things which are prescribed by canon 595 for all religious men are perfectly observed in the house of studies. CAN. 590. § 1. Religious men who have been properly instructed in the lower disciplines, in philosophy for at least two years and in sacred theology for at least four years, adhering to the doctrine of the Most Holy Doctor, according to canon 1366, § 2, shall diligently apply themselves to their studies, according to the instructions of the Apostolic See. § 2. During the time of studies, no duties shall be imposed on the students that would distract them from their studies or impede their schoolwork in any way; however, the Superior and, in particular cases, other Superiors may, according to their prudence, excuse them from some of the activities of the community, even from the choir, especially during the night hours, whenever it seems necessary for the advancement of their studies. CAN. 591. Religious priests, except those who have been excused by the Superiors for a serious reason, or who teach sacred theology, or canon law, or scholastic philosophy, after having completed...

[*Latin ed. p. 129*]

Book Second - Concerning Persons 129. The curriculum of studies, each year, for at least five years, shall be examined by learned and grave Fathers in various disciplines of sacred doctrine previously suitably designated. CAN. 591. In every house, properly formed, at least once a month, there shall be a solution of a moral and liturgical case, to which, if the Superior deems it opportune, a discourse on a dogmatic matter or related doctrines may be added; and all clerics who are professed and who are engaged in the study of sacred theology or have completed it and reside in the house, are obliged to attend, unless otherwise provided in the constitutions. TITLE XIII. Of the obligations and privileges of religious. CHAPTER I. Of obligations. CAN. 592. Religious are subject to all the common obligations of clerics, of which mention is made in can. 124-142, unless something else is evident from the context of the discourse or from the nature of the matter. CAN. 593. All and each religious, superiors as well as subordinates, must not only faithfully and completely observe the vows they have professed, but also, according to the rules and constitutions of their own religious order, arrange their life and strive for the perfection of their state. CAN. 594. § 1. In every religious order, common life must be carefully observed by all, even in those matters pertaining to food, clothing, and furnishings. § 2. Whatever is acquired by religious, even by superiors, in accordance with can. 580, § 2, and can. 582, n. 1, shall be added to the goods of the house, province, or religious order, and all money and all titles shall be deposited in the common treasury. § 3. The furnishings of religious must be in accordance with the poverty they have professed. CAN. 595. § 1. Superiors shall take care that all religious: 1.° Dedicate themselves annually to spiritual

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exercises; 2.° Legitimately and without impediment, attend daily the Holy Sacrifice of the Mass, dedicate themselves to mental prayer, and diligently perform other works of piety prescribed by the rules and constitutions; 3.° Approach the sacrament of Penance at least once a week. § 2. Superiors shall encourage their subordinates to frequently, even...

[*Latin ed. p. 130*]

130 The Code of Canon Law permits the daily reception of the Most Holy Body of Christ; and frequent, indeed even daily, access to the Most Holy Eucharist should be freely permitted to religious who are properly disposed. § 3. However, if a religious, after the last sacramental confession, has given grave scandal to the community or has committed a grave and external fault, he may be prohibited by the Superior from approaching the Holy Communion until he again approaches the sacrament of Penance. § 4. If any religious orders, whether of solemn, simple, or other vows, have in their rules or constitutions, or even in their calendars, certain Communions prescribed for certain days, these norms shall have only a directive force. CAN. 596. All religious shall wear the habit of their own religious order, both inside and outside the house, unless a serious reason excuses them, according to the judgment of the Major Superior or, in urgent necessity, even the local Superior. CAN. 597. § 1. In the houses of regular canons, both men and women, canonically established, even if not enclosed, the papal enclosure shall be observed. § 2. The law of papal enclosure applies to the entire house inhabited by the regular community, including the gardens and orchards, with access reserved to the religious; except for the public church with its sacristy, and also for the guest house, if there is one, and the parlor, which, as far as possible, should be located near the entrance of the house. § 3. The parts subject to the law of enclosure shall be clearly indicated; and the Major Superior or the General Chapter, according to the constitutions, or, if it concerns a monastery of nuns, the Bishop, shall accurately define the limits of the enclosure or, for legitimate reasons, change them. CAN. 598. § 1. Within the enclosure of regular canons, no women of any age, condition, or status shall be admitted under any pretext. § 2. Exempt from this law are the wives of those who hold the highest office in the government of a people, along with their retinue. CAN. 599. § 1. If a house of regular canons has an annex for boarding students or other works of the religious order, at least a separate part of the building, if possible, shall be reserved for the dwelling of the religious, subject to the law of enclosure. § 2. Even in places outside the enclosure, reserved for external or internal students or for the works of the religious order, no persons of the other sex shall be admitted, unless for a just reason and with the permission of the Superior. CAN. 600. Within the enclosure of nuns, no one of any kind, condition, sex, or age shall be admitted without the permission of the Holy

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See, except for the following:

[*Latin ed. p. 131*]

Book Second - Concerning Persons 131 1.° To the Ordinary of the place or to a Regular Superior, when visiting a monastery of nuns according to canon 512, or to other Visitors delegated by them, it is permitted to enter the enclosure, solely for the purpose of inspection, and with the caution that at least one cleric or religious man of mature age accompany them; 2.° The confessor, or one who performs his duties, may, with due precautions, enter the enclosure to administer the Sacraments to the sick or to assist those who are dying; 3.° Those who hold the highest office in the government of a people, and their wives, may enter the enclosure with an escort; likewise, Cardinals of the Holy Roman Church; 4.° It is incumbent upon the Ordinary to permit, with due precautions, the entry of physicians, surgeons, and others whose services are necessary, after obtaining at least habitual approval from the Ordinary of the place; if, however, necessity demands and time does not allow for obtaining approval, such approval is presumed by law. CANON 601. § 1. No nun shall, after profession, leave the monastery, even for a short time, under any pretext, without a special dispensation from the Holy See, except in the case of imminent danger of death or another very grave evil. § 2. This danger, if time permits, shall be acknowledged in writing by the Ordinary of the place. CANON 602. The enclosure of a monastery of nuns ought to be so surrounded that, as far as possible, there is no external view into or from it by any outside person. CANON 603. § 1. The enclosure of nuns, even though subject to a rule, is under the supervision of the Ordinary of the place, who may correct and coerce those who are guilty of offenses, even regular clergy not excepted, with penalties and censures. § 2. The Regular Superior also has entrusted to him the custody of the enclosure of the nuns subject to him, who may punish nuns or other of his subjects, if they have committed any offense in this matter, with penalties as well. CANON 604. § 1. In the houses also of religious congregations, whether pontifical or diocesan, the enclosure shall be observed, into which no one of the other sex shall be admitted, except those mentioned in canon 598, § 2, and canon 600, and others whom the Superiors have judged to be able to be admitted for just and reasonable reasons. § 2. The prescription of canon 599 shall also be applied to the houses of religious congregations, whether of men or women. § 3. The Bishop, in special and grave circumstances, may fortify this enclosure with censures, unless it concerns a clerical religious order exempt from ordinary jurisdiction; he shall always take care that the same is duly observed, and that whatever is introduced into it that is contrary to virtue is corrected.

[*Latin ed. p. 132*]

132. Codex Iuris Canonici, Generales Normae, can. 605. Omnes qui

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habent curam et custodiam, diligentemente debeant vigilare, ut, absente alienis, colloquia inutilia disciplinam non perturbent et spiritus religiosus detrimentum non patiatur.

CAN. 606. § 1. Superiores religiosi diligenter curant, ut ea quae, sive de exitu subditorum e claustris, sive de accipiendis vel visitandis extraneis, in propriis constitutionibus praescripta sunt, accurate observentur.

§ 2. Superioribus non licet, salvo quod praescribitur in can. 621-624, permittere ut subditi extra domum propriae religionis habitent, nisi gravi et justa causa, et ad tempus quo fieri potest brevissimum, secundum constitutiones; sed pro absentia quae sex menses excedat, nisi causa studiorum intercedat, semper venia Apostolicae Sedis requiritur.

CAN. 607. Antistites et Ordinarii locorum serio vigilent, ne religiosae, citra casum necessitatis, singulae extra domum pergant.

CAN. 608. § 1. Superiores curant, ut religiosi subditi, a se designati, – praesertim in dioecesi in qua degunt, cum a locorum Ordinariis vel parochis eorum ministerium requiritur ad consulendum populi necessitati, tum intra tum extra proprias ecclesias aut oratoria publica, – illud, salva religiosa disciplina, libenter praestent.

§ 2. Vicissim, Ordinarii locorum et parochi libenter utantur opere religiosorum, praesertim in dioecesi degentium, in sacro ministerio et maxime in administrando Sacramento Poenitentiae.

CAN. 609. § 1. Si ecclesia, apud quam residet communitas religiosa, sit simul paroecialis, servetur, congrua congruis referendo, praescriptum can. 415.

§ 2. In ecclesia religiosarum, a votis, sive sollemnibus, sive simplicibus, paroecia erigi non potest.

§ 3. Superiores vigilent, ne divinorum officiorum in propriis ecclesiis celebratio, catecheticae instructioni aut Evangelii explanationi in ecclesia paroeciali tradendae, nocumentum afferat; iudicium autem, utrum nocumentum afferat, necne, ad loci Ordinarium pertinet.

CAN. 610. § 1. In religionibus, sive virorum, sive mulierum, quibus est chori obligatio, in singulis domibus ubi saltem quatuor sunt religiosi choro obligati et actu legitime non impediti, et etiam pauciores, si ita ferant constitutiones, debet, ad normam constitutionum, quotidie divinum officium communiter persolvi.

§ 2. Missa quoque officio diei respondens secundum rubricas quotidie celebrari debet in religionibus virorum, et etiam, quoad fieri possit, in religionibus mulierum.

[*Latin ed. p. 133*]

Book Second - Concerning Persons 133 § 3. In these religious orders, whether of men or women, those solemnly professed who have departed from the choir, with the exception of those who have returned to the world,

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ought to recite the canonical hours privately.

CAN. 611. All religious, whether men or women, are freely permitted to send letters, subject to no inspection, to the Holy See and its Legate in that nation, to the Cardinal Protector, to their own superiors, to the superior of the house who may be absent, to the Ordinary of the place to which they are subject, and, if the case concerns nuns who are under the jurisdiction of a regular order, also to the superiors of the order; and from all of those mentioned above, these religious, whether men or women, may also receive letters, likewise subject to no inspection.

CAN. 612. Besides what is prescribed in can. 1145, if the local Ordinary, for a public reason, indicates the sounding of bells, certain prayers, or sacred solemnities, all religious, even those exempt, are to obey, saving the constitutions and privileges of each religious order.

CHAPTER II. Concerning Privileges.

CAN. 613. § 1. Each religious order enjoys only those privileges which are either contained in this Code, or which have been directly granted to it by the Apostolic See, excluding henceforth any further communication.

§ 2. The privileges enjoyed by a regular order also pertain to the nuns of the same order, insofar as they are capable of exercising them.

CAN. 614. Religious, even lay and novices, enjoy the privileges of clerics, of which mention is made in can. 119-123.

CAN. 615. Regulars, including novices, whether men or women, together with their houses and churches, with the exception of those nuns who are not subject to regular superiors, are exempt from the jurisdiction of the local Ordinary, except in cases expressly provided by law.

CAN. 616. § 1. Regulars who are living outside the house without legitimate reason, even under the pretext of visiting their superiors, do not enjoy the privilege of exemption.

§ 2. If they commit a crime outside the house and are not punished by their own superior, they may be punished by the local Ordinary, even if they have legitimately left the house and have returned to it.

CAN. 617. § 1. If abuses have occurred in the houses or churches of regular or other exempt religious, and the superior, having been warned, fails to prevent them, then...

[*Latin ed. p. 134*]

134 The Code of Canon Law stipulates that the Ordinary of the place is obligated to immediately report the matter to the Apostolic See. § 2. However, the house remains under the special vigilance of the Ordinary of the place, who, if abuses have occurred and have caused scandal to the faithful, can, on his own initiative, provide temporary remedies. CAN. 618. § 1. Religious institutes enjoying the privilege of exemption do not enjoy this

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privilege unless it has been specifically granted to them. § 2. However, in religious institutes of pontifical right, it is not permitted for the Ordinary of the place to: 1.° Alter in any way the constitutions or to inquire into matters of an economic nature, except for the prescriptions of canons 533-535; 2.° Interfere in the internal administration and discipline, except in cases expressly stated in the law; nevertheless, in secular religious institutes, he can and must inquire whether the discipline conforms to the norms of the constitutions, whether anything has detracted from sound doctrine or moral probity, whether there has been a violation of enclosure, whether the Sacraments are received with due frequency and devotion; and, if the Superiors, having been duly warned of serious abuses, do not provide appropriate remedies, he himself may intervene; and if matters of greater importance arise that do not admit of delay, he shall decide immediately; and he shall report the decree to the Holy See. CAN. 619. In all matters in which religious are subject to the Ordinary of the place, they can also be subject to penalties by him. CAN. 620. By a dispensation lawfully granted by the Ordinary of the place, the obligation of the common law is also suspended for all religious residing in the diocese, except for the vows and proper constitutions of any religious institute. CAN. 621. § 1. Regular canons, who are called and are mendicants by their institute, strive to seek alms in the diocese where their religious house is established, with the sole permission of their Superiors; outside the diocese, they require, in addition, written permission from the Ordinary of the place where they wish to collect alms. § 2. The Ordinaries of the places, especially of neighboring dioceses, shall not deny or revoke this permission, unless for grave and urgent reasons, if the religious house cannot in any way sustain itself through begging solely in the diocese in which it is established. CAN. 622. § 1. All other religious of congregations of pontifical right, without a special privilege from the Holy See, are prohibited from seeking stipends; those who obtain this privilege will, in addition, require written permission from the Ordinary of the place, unless otherwise stipulated in the privilege itself. § 2. Religious of diocesan congregations may seek stipends.

[*Latin ed. p. 135*]

Book Second - On Persons 135. They cannot, in any way, solicit alms without written permission obtained both from the Ordinary of the place where their house is located, and from the Ordinary of the place where they intend to seek alms.

§ 3. To Religious, concerning whom mention is made in §§ 1 and 2 of this canon, the Ordinaries of places should not grant permission to solicit alms, especially if they are religious congregations that beg by name and in fact, unless they are certain of the true necessity of the house or pious work, to which it cannot be provided for in any other way; and if the necessity can be provided for by soliciting alms within the place or district or diocese in

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which they reside, they should not grant a wider permission.

§ 4. Without an authentic and recent decree from the Sacred Congregation for the Eastern Church, Latin Ordinaries should neither allow any Eastern, of whatever order and dignity, to collect money within their territory, nor should they send their own subject to Eastern dioceses for the same purpose.

CAN. 623. It is not permitted for Superiors to entrust the collection of alms to those who have not made their solemn vows, and who are of mature age, especially if it concerns women, but never to those who are still engaged in their studies.

CAN. 624. As for the manner in which alms should be solicited, and the discipline that should be observed by those who solicit them, religious of both sexes must adhere to the instructions given on this matter by the Apostolic See.

CAN. 625. Regularly elected Abbots must receive the blessing from the Bishop of the diocese in which the monastery is located within three months of their election; after they have received the blessing, they enjoy the privileges mentioned in can. 325, except for the violet biretta, in addition to the power of conferring orders according to can. 964, n. 1.

CHAPTER III. On the obligations and privileges of religious who are promoted to an ecclesiastical dignity or who govern a parish.

CAN. 626. § 1. A religious cannot, without the authority of the Apostolic See, be promoted to dignities, offices, or benefices that are incompatible with the religious state.

§ 2. One who has been legitimately elected by a college cannot assent to the election without the permission of the Superior.

§ 3. If bound by a vow not to accept dignities, a special dispensation from the Roman Pontiff is necessary.

CAN. 627. § 1. A religious, whether a Cardinal, Bishop, residential or titular, remains a religious, and partakes of the privileges of his religious order.

[*Latin ed. p. 136*]

136. *Codex Iuris Canonici* – The religious, bound by the obligations of his profession, namely, obedience, poverty, and chastity, and by other obligations of his profession, except for those which he prudently judges he cannot fulfill with his dignity, subject to the prescription of canon 628. § 2. He is nevertheless exempt from the authority of his Superiors and remains subject, by force of the vow of obedience, to the Supreme Pontiff in Rome.

CAN. 628. A religious person elevated to the dignity of a bishop or another office outside of his own religious order: 1.° If, through his profession, he has lost ownership of goods, he retains the use, usufruct, and administration of the goods that come to him; the residential bishop, the Apostolic

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Vicar, and the Apostolic Prefect acquire ownership of the goods for the diocese, vicariate, or prefecture; others acquire ownership according to the norms of canon 582, subject to the prescription of canon 239, § 1, no. 19; 2.° If, through his profession, he has not lost ownership of goods, he regains the use, usufruct, and administration of the goods he possessed; and he fully acquires ownership of the goods that subsequently come to him; 3.° In either case, with regard to goods that come to him not in consideration of his person, he must dispose of them according to the will of the donors.

CAN. 630. § 1. After being dismissed from the cardinalate or episcopate, or after completing the office assigned to him outside of his religious order by the Apostolic See, the religious is obliged to return to his religious order. § 2. However, a cardinal and a bishop who is a religious person may choose any house of his religious order in which to reside; but he lacks both active and passive voice.

CAN. 631. § 1. A religious person who governs a parish, either by the title of pastor or by the title of vicar, remains bound to observe his vows and the constitutions, to the extent that such observance can be consistent with the duties of his office. § 2. Therefore, in matters pertaining to religious discipline, he is subject to his Superior, who, in a private manner with respect to the local Ordinary, is responsible for inquiring into his actions in all these matters and, if the circumstances warrant, for correcting him. § 3. The goods that come to him in consideration of the parish to which he is assigned are acquired by that parish; the other goods are acquired by him in the same manner as other religious persons. § 4. Notwithstanding the vow of poverty, it is permitted for him to receive or collect, in any manner, alms for the benefit of the parishioners, or for Catholic schools or other pious institutions connected with the parish, and to administer the alms received or collected, and also, with due regard for the will of the donors, to expend them according to his own prudent judgment, always subject to the vigilance of his Superior; but the reception, retention, collection, or administration of alms for the construction, maintenance, restoration, or embellishment of the parish church pertains to the Superiors, if the church belongs to the religious community; otherwise, it pertains to the local Ordinary.

[*Latin ed. p. 137*]

Book Second - Concerning Persons. Canon 137, 631. § 1. The same parish priest or religious vicar, even if he exercises his ministry in a house or place where the superiors of a religious order have their ordinary seat, is immediately subject to all jurisdiction, visitation, and correction of the local Ordinary, just as secular parish priests are, with the sole exception of regular observance. § 2. The local Ordinary, when he has ascertained that he has been negligent in the discharge of his duties, can establish appropriate decrees and impose deserved penalties upon him; nevertheless, the

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powers of the Ordinary are not in any way diminished, but the Superior has a cumulative right with him, so that, if a different decision is made by the Superior and by the Ordinary, the decree of the Ordinary must prevail. § 3. With regard to the removal of a parish priest or religious vicar from a parish, the prescription of canon 454, § 5, must be observed; and with regard to temporal goods, the prescription of canon 533, § 1, no. 4, and canon 535, § 3, no. 2.

TITLE XIV. Concerning Transfer to Another Religious Order. Canon 632. A religious may not transfer to another religious order, even a stricter one, or from a monastery of his own jurisdiction to another, without the authority of the Apostolic See.

Canon 633. § 1. He who transfers to another religious order must complete his novitiate; during this time, while his vows remain, the particular rights and obligations which he had in the religious order he left are suspended, and he is bound to obey the Superiors of the new religious order, and also the Master of Novices, even in matters concerning the vow of obedience. § 2. If, in the religious order to which he has transferred, he does not make profession, he must return to his former religious order, unless the time of his vows has expired in the meantime. § 3. He who transfers to another monastery of the same order does not complete his novitiate, nor does he make a new profession.

Canon 634. A solemnly professed religious, or one professed with simple, perpetual vows, if he transfers to another religious order with solemn or simple, perpetual vows, after the novitiate, his temporary profession, of which mention is made in canon 574, is disregarded, and he must either be admitted to solemn or simple perpetual profession, or return to his former religious order; however, it is the right of the Superior to examine him for a longer period, but not beyond one year from the completion of the novitiate.

Canon 635. Those who transfer to another monastery of the same religious order, from the day of the transfer; and those who transfer to another religious order, from the day of the new profession:

[*Latin ed. p. 138*]

138. Codex Iuris Canonici, can. 1.°: "Illi omnia iura et obligationes prioris religionis vel monasterii amittunt, et alia iura et officia suscipiunt; 2.° Religio vel monasterium a quo bona servat, quae ipsius religiosi ratione iam ei quaesita fuerunt; quod spectat ad dotem eiusve fructus et alia bona personalia, si qua habeat religiosus, servandum praescriptum can. 551, § 2; demum nova religio ius habet pro novitiatus tempore ad iustam retributionem, si eidem locus sit ad normam can. 570, § 1."

CAN. 636. "Sollemnitas votorum in eo qui legitime secundum superiores canones vota simplicia in Congregatione religiosa nuncupat, eo ipso

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exstinguitur, nisi aliud in apostolico indulto expresse caveatur."

TITULUS XV. De egressu e religione.

CAN. 637. "Professus a votis temporariis, expleto votorum tempore, libere potest religionem deserere; pariter religio ob iustas ac rationabiles causas eundem potest a renovandis votis temporariis vel ab emittenda professione perpetua excludere, non tamen ratione infirmitatis, nisi certo probetur eam ante professionem fuisse dolose reticitam aut dissimulatam."

CAN. 638. "Indultum manendi extra claustra, sive temporarium, idest indultum exclaustrationis, sive perpetuum, idest indultum saecularizationis, sola Sedes Apostolica in religionibus iuris pontificii dare potest; in religionibus iuris dioecesani etiam loci Ordinarius."

CAN. 639. "Qui indultum exclaustrationis ab Apostolica Sede impetravit, votis ceterisque suae professionis obligationibus, quae cum suo statu componi possunt, manet obstrictus; exteriorem tamen debet habitus religiosi formam deponere; perdurante tempore indulti caret voce activa et passiva, sed gaudet privilegiis mere spiritualibus suae religionis, et Ordinario territorii ubi commoratur, loco Superiorum propriae religionis, subditur etiam ratione voti obedientiae."

CAN. 640. § 1. "Qui, impetrato saecularizationis indulto, religionem relinquit: 1.° A sua religione separatur, habitus eiusdem exteriorem formam debet deponere, et in Missa et horis canonicis, in usu et dispensatione Sacramentorum saecularibus assimilatur; 2.° A votis liberatus manet, firmis oneribus ordini maiori adnexis, si in sacris fuerit; non tenetur obligatione horas canonicas vi professionis recitandi nec aliis regulis et constitutionibus adstringitur."

[*Latin ed. p. 139*]

Book Second - On Persons 139 § 2. If, by an apostolic dispensation, one is received again into religion, he renews his novitiate and profession, and obtains a place among the solemnly professed from the day of his new profession. CAN. 641. § 1. If a religious, having been constituted in the sacred orders, has not lost his proper diocese according to canon 585, he must, without renewing his vows, or having obtained a dispensation for secularization, return to his proper diocese and be received by his own Ordinary; if he has lost it, he cannot exercise the sacred orders outside of religion until he finds a benevolent bishop to receive him, or the Apostolic See otherwise provides. § 2. The bishop can receive a religious either purely and simply, or for a trial period of three years: in the former case, the religious is immediately incardinated in that diocese; in the latter, the bishop can extend the period of probation, but not beyond another three years; after which, unless he has been dismissed beforehand, the religious remains, by the very fact, incardinated in the diocese. CAN. 642. § 1. Any solemnly professed religious, having returned to the world, although he

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may exercise the sacred orders according to canon 641, is prohibited, without a new and special dispensation from the Holy See: 1.° From any office in major or minor basilicas, and in cathedral churches; 2.° From any teaching and office in major and minor seminaries or colleges, in which clerics are educated, as well as in universities and institutes which enjoy the apostolic privilege of conferring academic degrees; 3.° From any office or duty in episcopal curias and in religious houses, whether of men or women, even if it concerns diocesan congregations. § 2. This also applies to those who have made temporary vows, or a vow of perseverance, or certain special promises according to their constitutions, and have been dispensed from them, if they have been bound by them for six complete years. CAN. 643. § 1. Those who leave religion, either after the expiration of their temporary vows or having obtained a dispensation for secularization, or who have been dismissed from it, can claim nothing for any service rendered to the religious order. § 2. However, if a religious was received without a dowry and is not able to provide for herself from her own goods, the religious order is obliged, out of charity, to provide her with what is necessary so that she may safely and suitably return home, and to provide, observing natural equity, for a certain time, by mutual agreement or, in case of disagreement, to be determined by the Ordinary of the place, that she may live honorably. CAN. 644. § 1. An apostate from religion is called a solemnly professed religious who, having left the religious house, is released from his perpetual, solemn, or simple vows.

[*Latin ed. p. 140*]

140. The Code of Canon Law concerns those who do not intend to return, or who, even if legitimately absent, do not return with the intention of submitting themselves to religious obedience. § 2. A malicious intent, as mentioned in § 1, is presumed by law if the religious has not returned within one month, nor has manifested to the Superior an intention to return. § 3. A fugitive is one who, without the permission of the Superiors, abandons the religious house with the intention of returning to the religious life. CAN. 645. § 1. Apostates and fugitives are in no way absolved from the obligation of the rule and vows, and must return to the religious life without delay. § 2. The Superiors must diligently seek them out, and, if they return with true repentance, they must be received; however, the return of a monastic apostate or fugitive must be carefully considered by the Ordinary of the place, and, if it concerns a exempt monastery, also by the regular Superior.

TITLE XVI. Concerning the Dismissal of Religious. CAN. 646. § 1. By the very fact of the matter, religious are to be considered as legitimately dismissed in the following cases: 1.° Those who publicly apostatize from the Catholic faith; 2.° A religious who has fled with a woman; or a religious woman who has fled with a man; 3.° Those who contract marriage or even a civil union. § 2. In these cases, it is sufficient for the Major Superior, with his

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Chapter or Council, to issue a declaration of the fact, in accordance with the constitutions; however, the proofs of the fact collected must be preserved in the records of the house.

CHAPTER I. Concerning the Dismissal of Religious Who Have Made Temporary Vows. CAN. 647. § 1. A dispensation from temporary vows, whether in Orders or in Congregations of pontifical right, can be granted by the Supreme Moderator of the religious order or the Abbot of a monastery of his own right, with the consent of each Council, expressed by secret votes; or, if it concerns religious women, by the Ordinary of the place, and, if the monastery is subject to a regular canon, by the regular Superior, after the Abbot of the monastery, with his Council, has given a written statement of the reasons; in Congregations of diocesan right, by the Ordinary of the place where the religious house is located, who, however, must not exercise his right if the Moderators are unaware or justly dissenting. § 2. All of them, burdened by the grave conscience of the matter, cannot dismiss a religious, unless the following are observed: 1.° The reasons for dismissal must be grave; 2.° They may arise either from the side of the religious order or from the side of the religious. A defect of the religious spirit which causes scandal to others is sufficient for dismissal.

[*Latin ed. p. 141*]

Book Second - Concerning Persons 141. The reason, if a repeated admonition, together with salutary penance, should fail to produce a change, and not merely because of infirmity of health, unless it is certainly known that the infirmity was knowingly concealed or dissimulated before the profession. 3. Although it must be clearly known to the Superior granting the dispensation, it is not, however, necessary that it be proven by a formal judgment. But it must always be made known to the religious, with the opportunity given to him to respond; and his responses must be faithfully submitted to the Superior granting the dispensation. 4. Against the decree of dismissal, the religious has the right to appeal to the Apostolic See; and while the appeal is pending, the dismissal has no legal effect. 5. If women are involved, the prescription of canon 643, § 1, must be observed. CAN. 648. A religious dismissed according to canon 647 is, by that very fact, released from all religious vows, except for the obligations attached to the order, if he is in Holy Orders, and subject to the firm prescription of canon 641, § 1, 642; but a cleric who has been ordained in the minor orders is thereby reduced to the lay state. CHAPTER II. Concerning the dismissal of religious who have professed perpetual vows in a clerical or lay religious institute. CAN. 649. In the clerical and lay religious institutes of men, in order that a professed religious may be dismissed from perpetual vows, it is necessary that there be three delicts, with a double admonition, and a failure to amend, according to canons 656-662. CAN. 650. § 1. If these things are established, the highest Moderator of the religious institute, together

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with his Council, having considered all the circumstances of the case, shall decide whether there is a place for dismissal. § 2. If the majority of votes are in favor of dismissal: 1. In a religious institute of diocesan law, the entire matter shall be referred to the Ordinary of the place where the house of the professed religious is located, who is empowered to decree the dismissal according to his prudent judgment, according to canon 647; 2. In a religious institute of pontifical law, the highest Moderator of the religious institute shall issue the decree of dismissal; which, however, must be confirmed by the Apostolic See in order to have its effect. § 3. The religious has the right to freely present his reasons; and his responses must be faithfully recorded in the proceedings. CAN. 651. § 1. Even for dismissing religious women who have professed perpetual, solemn, or simple vows, grave external causes are required, together with incorrigibility, after a prior trial, so that the hope of amendment has vanished, according to the judgment of the Ordinary.

[*Latin ed. p. 142*]

Codex Iuris Canonici § 2. The prescription of canon 650, § 3, must also be observed in the dismissal of religious.

CAN. 652. § 1. If the case concerns religious subject to diocesan law, the Ordinary of the place where the house of the religious sister is located is responsible for conducting the cause of dismissal and issuing the decree of dismissal.

§ 2. If the case concerns nuns, the Ordinary transmits all acts and documents to the Sacred Congregation, along with his own and the Superior's opinion, if the monastery is subject to a regular order.

§ 3. If the case concerns other religious subject to pontifical law, the highest governing authority of the religious order submits the entire matter to the Sacred Congregation, along with all acts and documents; the Sacred Congregation will then decide, in this case and in the preceding one, as it deems more appropriate, in accordance with the firm prescription of canon 643, § 2.

CAN. 653. In the case of a grave external scandal or a very serious imminent harm to the community, a religious may be immediately dismissed from religious life by the Major Superior, with the consent of his Council, or even, if there is danger of delay and there is no time to consult the Major Superior, by the local Superior, with the consent of his Council and the Ordinary of the place, the religious habit being immediately laid aside, provided that the matter is promptly submitted to the judgment of the Holy See by the Ordinary or by the Major Superior, if present.

CHAPTER III. Concerning the judicial process in the dismissal of religious who have professed perpetual vows or solemn vows, or simple vows, in exempt religious orders.

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CAN. 654. A man who has professed solemn vows or perpetual simple vows in an exempt religious order shall not be dismissed except through a judicial process, saving the prescription of canons 646 and 668, and with any contrary privilege revoked.

CAN. 655. § 1. It is the responsibility of the supreme governing authority of the religious or monastic congregation, along with his Council or Chapter, which must consist of at least four religious, to issue the sentence of dismissal; if there are fewer than four, the president shall choose as many religious as are lacking, with the consent of the others, to form a collegiate tribunal with him.

§ 2. The president, with the consent of the others, shall appoint a promoter of justice according to canon 1589, § 2.

CAN. 656. The judicial process cannot proceed unless the following have preceded: 1.° Grave external delicts, whether against common law or against the special law of religious; 2.° Admonitions; 3.° Lack of amendment.

[*Latin ed. p. 143*]

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Canon 14 & 657. Delinquencies must be at least three of the same kind, or, if diverse, such that, when taken together, they demonstrate a perverse will and persistent malice, or only one, which, through repeated admonitions, effectively becomes threefold.

Canon 658. § 1. For an admonition to be given, it is necessary that either the offense be notorious, or that it be established from the confession of the person outside of a judicial proceeding, or from other sufficient proofs which a preliminary investigation has provided.

§ 2. In carrying out the investigation, the prescriptions of canon 1939 and following must be observed, referring the appropriate to the appropriate.

Canon 659. The admonition must be given by the immediate superior, either personally or through another acting on his mandate; but the superior must not issue the mandate unless he has been previously informed of the facts, according to canon 658, § 1; and the mandate given for the first admonition is also valid for the second.

Canon 660. There must be two admonitions, namely, one for each of the first two offenses; but in the case of continuous or persistent offenses, there must be an interval of at least three full days between the first and the second admonition.

Canon 661. § 1. The superior must add to the admonitions appropriate exhortations and corrections, as well as, in addition, penitences and other penal remedies, which are deemed suitable for the amendment of the person and the reparation of scandal.

§ 2. Furthermore, the superior is obligated to remove the person from oc-

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casions of relapse, even by transferring him, if necessary, to another house, where vigilance is easier and the opportunity for wrongdoing is more remote.

§ 3. To each admonition, the threat of dismissal must be added.

Canon 662. A religious person is considered not to have reformed if, after the second admonition, he commits a new offense, or if he persists in the same offense. After the final admonition, at least six days must be waited before proceeding further.

Canon 663. After the admonitions and corrections have proven ineffective, the immediate superior must diligently collect all the acts and documents and transmit them to the supreme moderator; this person, in turn, must hand them over to the promoter of justice, who must examine them and present his conclusions.

Canon 664. § 1. If the promoter of justice, to whom it is permissible to carry out further investigations which he deems appropriate, proposes an accusation, the person must be informed.

[*Latin ed. p. 144*]

144. Code of Canon Law: The process, observing the prescriptions of the canons in Part One of Book Four, shall refer congruent matters to their proper jurisdiction. § 2. The process must consist of the crimes committed, the preceding double warning, and the failure to amend.

665. CANON. The tribunal, having diligently considered the allegations of both the promoter of justice and the accused, if it judges that those things mentioned in canon 664, § 2, have been sufficiently proven, shall pronounce a sentence of dismissal.

666. CANON. The sentence cannot be ordered for execution unless it has been confirmed by the Holy Congregation; to which the president of the tribunal shall promptly transmit both the sentence and all the acts of the process.

667. CANON. In the provinces, even in ordinary cases, the superiors can, with the consent of their council or chapter, request the faculty to dismiss from religious life, pious and prudent religious, who must be at least three, in accordance with the firm prescription of canons 663-666.

668. CANON. In the case mentioned in canon 653, the religious may immediately be dismissed to the world by the major superior, or, if there is danger in the delay and time does not permit recourse to the major superior, by the local superior as well, with the consent of his council; the religious habit shall be immediately laid aside; and, as soon as the religious has been dismissed, the process, if it has not yet been instituted, shall be instituted according to the canons that precede.

CHAPTER IV. Of Religious Dismissed Who Have Professed Perpetual Vows.

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669. CANON. § 1. A religious who has professed perpetual vows, being dismissed from religious life, remains bound by the religious vows, unless the constitutions or indulgences of the Apostolic See prescribe otherwise.

§ 2. If he is a cleric ordained to the minor orders, he is thereby reduced to the lay state.

670. CANON. A cleric in the sacred orders who has committed some crime of which mention is made in canon 646, or who has been dismissed for a crime that is punishable by common law with infamy, or deposition, or degradation, is forever prohibited from wearing the ecclesiastical habit.

671. CANON. If, however, he is dismissed for lesser offenses than those mentioned in canon 670:

1.° He remains suspended by the very fact, until he obtains absolution from the Holy See;

[*Latin ed. p. 145*]

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2. The Holy Congregation, if it deems it advisable, shall order that the dismissed individual, having put on the secular garb of the clergy, reside in a certain diocese, with the Ordinary being informed of the reasons for which he was dismissed;

3. If the dismissed individual does not comply with the order mentioned in n. 2, the religious institute is not obligated to provide for him, and the dismissed individual is thereby deprived of the right to wear the ecclesiastical habit;

4. The Ordinary of the designated diocese shall send the religious individual to a house of penance, or entrust him to the care and vigilance of a pious and prudent priest; and if the religious individual does not comply, the provision in n. 3 shall be observed;

5. The religious institute, through the hands of the Ordinary of the place of residence, shall provide charitable assistance to the dismissed individual for the necessities of maintaining life, unless he is able to provide for himself from other sources;

6. If the dismissed individual does not conduct himself in a manner worthy of an ecclesiastical man, after one year, or even sooner, at the judgment of the Ordinary, he shall be deprived of charitable assistance, expelled from the house of penance, and the right to wear the ecclesiastical habit shall be taken away from him by the Ordinary himself, who shall immediately send a suitable report to both the Apostolic See and the religious institute;

7. If, however, the dismissed individual has behaved so commendably during this time that he can truly be considered reformed, the Ordinary shall commend his prayers to the Holy See for absolution from the censure of suspension, and, having obtained it, he shall allow him, with appropriate precautions and limitations, to celebrate Mass and also, at his discretion

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and prudence, to perform other sacred ministrations, from which he can live honorably; in this case, the religious institute may discontinue charitable assistance. If this concerns a deacon or subdeacon, the matter shall be referred to the Holy See.

CAN. 672. § 1. The dismissed individual, not released from the vows made in the religious institute, is obligated to return to the cloister; and if he presents evidence of complete reformation for three years, the religious institute is obligated to receive him; if, however, there are serious objections, either on the part of the religious institute or on the part of the individual, the matter shall be submitted to the judgment of the Apostolic See.

§ 2. Whenever the vows made in the religious institute cease, if the dismissed individual finds a benevolent bishop willing to receive him, he shall remain under his jurisdiction and special vigilance, observing the provision of can. 642; otherwise, the matter shall be referred to the Holy See.

TITLE XVII, Concerning Societies of Men or Women Living Together Without Vows.

CAN. 673. § 1. A society of men or women, in which the members imitate the manner of life of religious living together in a community under the governance of Superiors, according to approved constitutions, but are not bound by the three usual public vows, is not properly a religious institute, nor are its members properly designated as religious.

ACTA, vol. IX, Part II. 10

[*Latin ed. p. 146*]

146. Codex Iuris Canonici § 2. Haec societas est vel clericalis vel laicalis, et est sub iure pontificio vel dioecesano, secundum canones 488, numeri 3, 4; 674. CAN. "De erectione et suppressione societatis eiusque provinciarum vel domorum, eadem valent quae de Congregationibus religiosis constitutis sunt. CAN. 675. Regimen determinatur in constitutionibus cuiusque societatis; sed in omnibus serventur, congrua congruis referendo, canones 499-530. 676. CAN. § 1. Societas eiusque provinciae et domus sunt capaces acquirendi et possidendi bona temporalia. § 2. Administratio bonorum regitur praescripto canonum 532-537. § 3. Quidquid sodalibus advenit intuitu societatis, eidem acquiritur; cetera bona sodales secundum constitutiones retinent, acquirunt et administrant. CAN. 677. In admittendis candidatis serventur constitutiones, salvo praescripto canonis 542. CAN. 678. In iis quae ad studiorum rationem et ad suscipiendos ordines pertinent, sodales iisdem legibus tenentur ac saeculares clerici, salvis peculiaribus praescriptionibus a Sancta Sede datis. CAN. 679. § 1. Sodales societatis, praeter obligationes quibus, uti sodales, obnoxii sunt secundum constitutiones, tenentur communibus clericorum obligationibus, nisi ex natura rei vel ex sermonis contextu aliud constet,

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pariterque stare debent praescriptis canonum 595-612, nisi constitutiones aliud ferant. § 2. Clausuram servent ad normam constitutionum sub Ordinarii loci vigilantia. CAN. 680. Iidem, etiam laici, gaudent clericorum privilegiis, de quibus in canonibus 119-123, aliisque societati directe concessis, non autem privilegiis religiosorum sine speciali indulto. CAN. 681. Praeter proprias cuiusque societatis constitutiones, circa transitum ad aliam societatem vel ad aliquam religionem aut circa sodalium exitum a societate etiam iuris pontificii, servantur praescripta canonum 632-635, 645; circa eorum dimissionem, praescripta canonum 646-672.

[*Latin ed. p. 147*]

Book Second - On Persons 147. THIRD PART: ON THE LAITY. CANON 682. The laity have the right to receive from the clergy, according to the norms of ecclesiastical discipline, spiritual goods and, above all, those helps necessary for salvation. CANON 683. It is not permitted for laypersons to wear clerical garb, unless they are clerics, or are students of seminaries aspiring to the priesthood, or others of whom mention is made in canon 972, § 2, or laypersons legitimately devoted to the service of the Church, while they are within the same Church or are engaged in some ecclesiastical ministry outside of it. TITLE XVIII. On associations of the faithful in general. CANON 684. Faithful persons worthy of praise are those who give their names to associations erected or at least approved by the Church; but they must beware of secret associations, condemned, seditious, suspect, or those which seek to withdraw themselves from the legitimate oversight of the Church. CANON 685. Associations distinct from religious orders or societies of which mention is made in canons 487-681, can be established by the Church, either to promote a more perfect Christian life among the members, or to carry out some works of piety or charity, or finally, to promote the public worship. CANON 686. § 1. No association is recognized in the Church which has not been erected or at least approved by legitimate ecclesiastical authority. § 2. It pertains to the local Ordinary, besides the Roman Pontiff, to erect or approve associations, except those whose establishment has been reserved to others by an apostolic privilege. § 3. Even if a privilege has been granted, it is always required, unless otherwise provided in the privilege itself, for the validity of the erection, the written consent of the local Ordinary; however, the consent given by the Ordinary for the erection of a religious house is also valid for the erection of an association in the same house or church annexed to it, which is not constituted as an organic body and which belongs to that religious order. § 4. The General Vicar, by virtue of a general mandate alone, and the Capitular Vicar, cannot erect associations,

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nor can they give consent for their erection or aggregation.

[*Latin ed. p. 148*]

148. Codex Iuris Canonici § 5. Letters of erection, granted by those who, by apostolic privilege, establish an association, shall be granted without charge, except for the expenses necessarily incurred.

CAN. 687. In conformity with canon 100, associations of the faithful acquire juridical personality in the Church only when they have obtained from a legitimate ecclesiastical superior a formal decree of erection.

CAN. 688. An association shall not assume a title or name that suggests levity or undue novelty, or that expresses a devotion not approved by the Apostolic See.

CAN. 689. § 1. Every association shall have its statutes, examined and approved by the Apostolic See or by the local Ordinary.

§ 2. Statutes which have not been confirmed by the Apostolic See remain always subject to the moderation and correction of the local Ordinary.

CAN. 690. § 1. All associations, even those erected by the Apostolic See, are subject to the jurisdiction and oversight of the local Ordinary, who has the right and the duty to inspect them according to the norms of the sacred canons.

§ 2. However, associations which, by virtue of an apostolic privilege, have been established by religious in their own churches, it is not permitted for the local Ordinaries to visit, with regard to matters concerning the internal discipline or spiritual direction of the association.

CAN. 691. § 1. A legitimately erected association may possess and administer temporal goods under the authority of the local Ordinary, to whom it must render an account of the administration at least annually, according to canon 1525, and certainly not to the parish priest, even if the association is established within his territory, unless the Ordinary himself has otherwise determined.

§ 2. It may receive offerings and disburse them for pious purposes of the association itself, always respecting the will of those who offer.

§ 3. No association shall be permitted to collect alms, unless this is permitted by the statutes, or necessity requires it, and the consent of the local Ordinary is obtained, and the form prescribed by him is observed.

§ 4. Permission in writing from the Ordinary is required for collecting alms outside the territory.

§ 5. The association shall also render an account to the local Ordinary of the faithful's offerings and alms.

CAN. 692. It is necessary and sufficient for one to be validly received into an association in order to enjoy the rights, privileges, indulgences, and

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other spiritual graces of the association.

[*Latin ed. p. 149*]

Book Second - Concerning Members 149, according to the statutes of the association itself and not legitimately expelled therefrom. CAN. 693. § 1. Non-Catholics and those belonging to damned sects, who are either publicly known to be censured or are notorious public sinners, cannot be validly admitted. § 2. The same person may be admitted to several associations, except as provided in canon 705. § 3. Absentees should not be admitted to associations constituted as organic bodies; but those present may be admitted, provided they are aware and willing to be admitted. § 4. Except as provided in canon 704, religious [persons] may give a name to pious associations, with the exception of those whose statutes, in the judgment of the Superiors, cannot be reconciled with the observance of the rule and the constitutions. CAN. 694. § 1. Admission must be made according to the law and the statutes of each association. § 2. In order that admission may be established, it must be recorded in the register of the association; indeed, this inscription is necessary for validity, if the association has been established as a moral person. CAN. 695. On the occasion of admission to an association, nothing directly or indirectly may be demanded, except what is legitimately approved in the statutes, or expressly permitted by the local Ordinary, for the benefit of the association, because of special circumstances. CAN. 696. § 1. No one, legitimately admitted, shall be dismissed from the association, except for a just cause, according to the statutes. § 2. Those who fall into the case mentioned in canon 693, § 1, shall be dismissed, after a prior warning, in accordance with their own statutes, and with the preservation of the right of appeal to the Ordinary. § 3. Even if nothing is expressly stipulated in the statutes, the local Ordinary, with regard to all associations, and the religious Superior, with regard to associations established by religious persons with an apostolic indult, may dismiss members. CAN. 697. § 1. Legitimate associations have the right, according to their statutes and the sacred canons, to hold meetings, to establish particular norms concerning the association itself, to elect administrators of goods, officials, and ministers, with the firm provision of canon 715, § 1. § 2. In matters concerning the convocation of meetings and elections, the common law must be observed, which is found in canons 161-182, and statutes not contrary to common law.

[*Latin ed. p. 150*]

Codex 150 of Canon Law, CAN. 6, 9, 8. § 1. Unless an apostolic privilege expressly provides otherwise, the appointment of the moderator and chaplain belongs to the local Ordinary in associations established or approved by him or by the Apostolic See, and in associations established by religious orders by virtue of an apostolic privilege, outside their own

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churches; in associations established by religious orders within their own churches, only the consent of the local Ordinary is required, if the moderator and chaplain are chosen from the secular clergy. § 2. The moderator and chaplain may, during their term of office, bless the association's habit or insignia, scapulars, etc., and may bestow them; with regard to sermons, the prescriptions of canons 1337-1342 are to be observed. § 3. The moderator and chaplain may be revoked for just cause by those who appointed them, as well as by their successors or superiors. § 4. The same person may be both moderator and chaplain. CAN. 6, 9, 9. § 1. For grave reasons and with due regard for the right of appeal to the Apostolic See, the local Ordinary may suppress not only an association established by him or by his predecessors, but also an association established by a religious order with an apostolic indult, with the consent of the local Ordinary. § 2. Associations established by the Apostolic See itself can only be suppressed by the same. TITLE XIX. Concerning associations of the faithful in particular. CAN. 700. Three species of associations are distinguished in the Church: the Secular Orders, confraternities, and pious unions. CAN. 701. § 1. Among the pious associations of the laity, the order of precedence is as follows, in accordance with the firm prescription of canon 106, nn. 5, 6: 1.° Secular Orders; 2.° Archiconfraternities; 3.° Confraternities; 4.° Primary pious unions; 5.° Other pious unions. § 2. The Confraternity of the Most Holy Sacrament, if it concerns a procession in which the Most Holy Sacrament is carried, precedes even the archiconfraternities. § 3. All, however, have the right of precedence only when they proceed collegially under their own cross or banner and in the habit or insignia of the association.

[*Latin ed. p. 151*]

Book Second - Concerning Persons, CHAPTER 151.

I. Concerning the Third Secular Orders.

702. CANON. § 1. Secular tertiaries are those who, living in the world, under the guidance of some Order, strive to attain Christian perfection, according to the manner of secular life, according to rules approved by the Apostolic See for themselves.

§ 2. If a secular Third Order is divided into several associations, each of these, if legitimately constituted, is called a sodality of tertiaries.

703. CANON. § 1. To certain Orders, a firm privilege having been granted, no religious Order can add a Third Order to itself.

§ 2. Even with an apostolic privilege, Superiors of religious Orders may indeed enroll particular individuals in a Third Order, but they cannot validly erect a sodality of tertiaries without the consent of the local Ordinary, according to canon 686, § 3.

§ 3. Nor can they grant to sodalities erected by them the use of particular vestments, to be worn in public sacred functions, without special permis-

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sion from the same Ordinary.

704. CANON. § 1. Whoever has professed vows, either for life or for a time, in some religious Order, cannot simultaneously belong to any Third Order, even if he had previously been enrolled in it.

§ 2. If, having been released from his vows, he returns to the world, his former enrollment is revived.

705. CANON. No sodality of tertiaries, without an apostolic indult, can enroll members who belong to another Third Order, remaining in the same; however, each member is permitted, for a just cause, to transfer either from one Third Order to another, or from one sodality to another of the same Third Order.

706. CANON. In public processions, funerals, and other ecclesiastical functions, tertiaries may participate, but they are not obliged to do so collegially; but if they participate, it is necessary that they walk together, with their own insignia, under the cross.

CHAPTER II. Concerning confraternities and pious unions.

707. CANON. § 1. Associations of the faithful which are established for the exercise of some work of piety or charity are called pious unions; and those, if constituted in the manner of an organic body, are called sodalities.

[*Latin ed. p. 152*]

152. Code of Canon Law § 2. Societies, moreover, erected for the increase of public worship, are specially called confraternities.

CAN. 708. Confraternities can only be established by a formal decree of erection; for pious unions, however, the approval of the Ordinary is sufficient, and once obtained, they, although not being moral persons, are nevertheless capable of obtaining spiritual graces and, especially, indulgences.

CAN. 709. § 1. Confraters cannot perform sacred functions unless they wear the confraternity's habit or insignia.

§ 2. Women can only be admitted to confraternities in order to obtain the indulgences and spiritual graces granted to the confraters.

CAN. 710. The title or name of a confraternity or pious union shall be taken from the attributes of God, from the mysteries of the Christian religion, from the feasts of the Lord and of the Blessed Virgin Mary, from the Saints, or from the pious work of the society itself.

CAN. 711. § 1. Several confraternities or pious unions of the same title and purpose cannot be established or approved in the same place, unless it has been specially granted to them, or unless it is provided by law that they may be; but if it concerns large cities, this is permitted, provided that there is a suitable distance between them, according to the judgment of the Ordinary of the place.

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§ 2. The Ordinaries of places should see to it that confraternities of the Most Holy Sacrament and of Christian doctrine are established in each parish; these, once legitimately established, are by law aggregated to the same Archconfraternities in the City, erected by the Cardinal Vicar of the City.

CAN. 712. § 1. Confraternities or pious unions shall not be established unless in a public or at least semi-public church or oratory.

§ 2. They shall not be established in a cathedral or collegiate church without the consent of the Chapter.

§ 3. In churches or oratories, the Ordinary of the place may permit the establishment of an association of women only, or of a pious union which is concerned only with prayers and the communication of spiritual graces.

CAN. 713. § 1. Religious can and should communicate all and only those spiritual graces to confraternities and pious unions established by them, which are declared to be communicable in the faculties granted by the Apostolic See, and these must be made manifest to each member at the time of the establishment, with due observance of canon 919.

§ 2. Confraternities, established by religious, are not permitted to have their own habit.

[*Latin ed. p. 153*]

Book Second - On Associations 153. It is not permitted to assume, without the special license of the local Ordinary, the insignia which are to be carried in public processions and other sacred functions. CAN. 714. A confraternity may not, without the license of the local Ordinary, abolish or change its own habit or insignia. CAN. 715. § 1. It pertains to the local Ordinary to confirm worthy and suitable officials and ministers elected by the assemblies of confraternities, even when those assemblies are held in the churches or chapels of religious orders, either by themselves or through a delegate; to reject or remove those who are unworthy or unsuitable; and to correct and approve statutes or other regulations, unless they have been approved by the Apostolic See. § 2. The confraternity must timely inform the local Ordinary and his delegate of the celebration of extraordinary assemblies; otherwise, the Ordinary has the right to prevent the assemblies or to completely invalidate their decrees. CAN. 716. § 1. Confraternities and pious unions, established in their own churches, may independently exercise non-parochial functions, observing the necessary regulations, provided that they do not harm the parochial ministry in the parochial church. § 2. The same shall be observed even in the case where a parish is established in the church of the confraternity. § 3. In cases of doubt as to whether the functions of a confraternity or pious union do or do not harm the parochial ministry, it is the right of the local Ordinary to decide, and also to establish the practices to be observed. CAN. 717.

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§ 1. If they are established in churches other than their own, they may perform their own ecclesiastical functions only in the sacristy or at the altar where they are established, according to the norm of can. 716 and the specific statutes. § 2. The assets of a confraternity or pious union, which is established in a church other than its own, or whose church is also a parochial church, must be separate from the assets of the fabric or community. CAN. 718. Confraternities are obliged, collegially, with their own insignia and under their own banner, to participate in customary processions and other processions ordered by the local Ordinary, unless the Ordinary prescribes otherwise. CAN. 719. § 1. With the consent of the local Ordinary, a confraternity or pious union may be transferred from one place to another, unless the transfer is prohibited by law or by statutes approved by the Apostolic See. § 2. Whenever the transfer of a confraternity or pious union to a religious order is considered, the consent of the Superior is required.

[*Latin ed. p. 154*]

Codex Iuris Canonici, 154 CHAPTER III. Concerning Archiconfraternities and Primary Unions.

CAN. 720. Associations which, by law, are empowered to incorporate other associations of the same kind are called archisodalities, or archiconfraternities, or pious unions, primary congregations, or primary societies.

CAN. 721. § 1. No association can validly incorporate other associations without an apostolic indult.

§ 2. An archiconfraternity or primary union can incorporate only those confraternities or pious unions which are of the same title and purpose, unless a different apostolic indult provides otherwise.

CAN. 722. § 1. By incorporation, all indulgences, privileges, and other spiritual graces which have been or will be granted directly and specifically to the incorporating association by the Apostolic See are communicated, unless otherwise provided in the apostolic indult.

§ 2. From this communication, the incorporating association acquires no rights over the incorporated association.

CAN. 723. For the validity of incorporation, it is required that:

1.° The association has already been canonically erected and is not incorporated into another archiconfraternity or primary union;

2.° It is done with the written consent of the local Ordinary, together with his testimonial letters;

3.° The indulgences, privileges, and other spiritual graces which are communicated by incorporation are enumerated in a list, recognized by the local Ordinary in which the archiconfraternity is located, and delivered to the incorporated society;

4.° The incorporation is made according to the formula prescribed in the

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statutes and is permanent;

5.° Letters of incorporation are issued entirely free of charge and without any payment whatsoever, even if offered spontaneously, except for necessary expenses.

CAN. 724. An archiconfraternity or primary union can be transferred from one diocese to another only by the Apostolic See.

CAN. 725. A title of archisodality, or archiconfraternity, or primary union, even for honorary purposes only, can be granted to an association by one Apostolic See.

[*Latin ed. p. 155*]

Book Third - Concerning Matters.

BOOK 155. THIRD CONCERNING MATTERS.

CAN. 726. The matters discussed in this book, which are all means for attaining the end of the Church, are either spiritual, temporal, or mixed.

CAN. 727. § 1. A deliberate intention to buy or sell, for a temporal price, an intrinsically spiritual thing, for example, the Sacraments, ecclesiastical jurisdiction, consecration, indulgences, etc., or a temporal thing attached to a spiritual thing, so that the temporal thing cannot exist without the spiritual thing, for example, an ecclesiastical benefice, etc., or a spiritual thing is the object, even if partial, of a contract, for example, the consecration in a consecrated chalice being sold, is simony according to divine law.

§ 2. To give temporal things attached to spiritual things for spiritual things attached to spiritual things, or spiritual things for spiritual things, or even temporal things for temporal things, if this is prohibited by the Church because of the danger of irreverence towards spiritual things, is simony according to ecclesiastical law.

CAN. 728. When speaking of simony, the terms "purchase," "sale," "exchange," etc., are to be understood broadly, to include any agreement, even if not carried out, even tacit, in which, although the simoniacal intention is not expressly manifested, it is nevertheless inferred from the circumstances.

CAN. 729. Given the severe penalties established by law against simoniacs, the simoniacal contract itself, and, if simony is committed concerning benefices, offices, or dignities, the subsequent provision, is entirely void, even if the simony was committed by a third person, even unknowingly, provided that this is not done in fraud of the same provision or in opposition to it. Therefore: 1.° Before any judgment of a judge, the things given and received through simony, if capable of restitution and if it does not impede due reverence for the spiritual thing, must be restored, and the benefice, office, or dignity must be relinquished; 2.° The person provi-

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sioned through simony does not acquire the fruits thereof; but if he has received them in good faith, it is permitted to the judge or Ordinary, according to his prudence, to condone the fruits received, either in whole or in part.

CAN. 730. There is no simony when a temporal thing is given, not for a spiritual thing, but on the occasion of a spiritual thing, by a just title, according to the sacred canons or by a legitimate concession.

[*Latin ed. p. 156*]

156. Codes of Canon Law, as customary, are observed; also, when a temporal thing is given for a temporal thing, which, as its subject, has something spiritual attached to it, for example, a consecrated chalice, provided that the price is not increased because of the attached spiritual thing.

PART ONE ON THE SACRAMENTS

CAN. 731. § 1. Since all the Sacraments of the New Law, instituted by Christ our Lord, are the principal means of sanctification and salvation, the utmost diligence and reverence must be employed in their proper and fitting administration and reception.

§ 2. It is forbidden to administer the Sacraments of the Church to heretics or schismatics, even if they are mistaken in good faith and request them, unless, after rejecting their errors, they have been reconciled to the Church.

CAN. 732. § 1. The Sacraments of Baptism, Confirmation, and Holy Orders, which imprint a character, cannot be repeated.

§ 2. However, if a prudent doubt arises as to whether they were truly or validly conferred, they may be conferred again, conditionally.

CAN. 733. § 1. In the performance of the Sacraments, the rites and ceremonies prescribed in the ritual books approved by the Church must be observed with care.

§ 2. Each one should follow his own rite, except as prescribed in can. 851, § 2, and 866.

CAN. 734. § 1. The sacred oils, which are used in the administration of certain Sacraments, must be blessed by the Bishop on the fifth day of the week, at the Mass of the Lord's Supper, by the highest priest; nor should old oils be used, unless necessity demands it.

§ 2. If the blessed oil is running low, another oil, not blessed, may be added, even repeatedly, but in a smaller quantity.

CAN. 735. The parish priest must request the sacred oils from his Ordinary and keep them in the church, in a safe and decent place, under lock and key; he should not keep them at home, unless for necessity or some other reasonable cause, with the permission of the Ordinary.

CAN. 736. For the administration of the Sacraments, the minister must

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not, for any reason or occasion, directly or indirectly, demand or request anything, except for the offerings mentioned in can. 1507.

[*Latin ed. p. 157*]

Book Third - Concerning Matters 157

TITLE I. Concerning Baptism.

CAN. 737. § 1. Baptism, the gateway and foundation of the Sacraments, is necessary for all, both in reality and at least in desire, for salvation; it is validly conferred only through the ablution of true and natural water, together with the prescribed form of words.

§ 2. When it is administered with all the rites and ceremonies prescribed in the liturgical books, it is called solemn; otherwise, it is not solemn, but private.

CHAPTER I. Concerning the Minister of Baptism.

CAN. 738. § 1. The ordinary minister of solemn Baptism is the priest; but its conferral is reserved to the parish priest or another priest with the permission of the same parish priest or of the local Ordinary, which is legitimately presumed in cases of necessity.

§ 2. Even a visiting priest may solemnly baptize within his own parish, if it can be done easily and without delay; otherwise, any parish priest within his territory may solemnly baptize.

CAN. 739. To no one is it permitted, without due permission, to confer solemn Baptism, even upon the inhabitants of his own place, in a foreign territory.

CAN. 740. Where parishes or quasi-parishes have not yet been established, the provisions of special statutes and accepted customs are to be observed, so that it may be determined to whom, besides the Ordinary, the right belongs to baptize within the entire territory or within its part.

CAN. 741. The extraordinary minister of solemn Baptism is the deacon; however, he is not to exercise his power without the permission of the local Ordinary or parish priest, which must be given for a just reason, and which, where necessity arises, is legitimately presumed.

CAN. 742. § 1. Private Baptism, of which mention is made in can. 759, § 1, may be administered by anyone, provided that the proper matter, form, and intention are observed; and, insofar as it is possible, two witnesses or at least one should be present, by whom the conferral of Baptism may be attested.

§ 2. However, if a priest is present, he should be preferred to a deacon; a deacon to a subdeacon; a cleric to a layperson, unless it is more fitting for a woman than a man to baptize, or unless the woman knows better the form

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and manner of baptizing.

[*Latin ed. p. 158*]

Code of Canon Law 158 § 3. It is not permitted for a father or mother to baptize their own child, except in a situation of imminent danger of death, when no other person is present who can administer the sacrament.

CAN. 743. The pastor must ensure that the faithful, especially midwives, doctors, and surgeons, are properly instructed in the correct manner of administering baptism in cases of necessity.

CAN. 744. The baptism of adults, when it can conveniently be done, should be referred to the local Ordinary, so that, if he wishes, it may be conferred by him or by his delegate in a solemn manner.

CHAPTER II. The Subject of Baptism.

CAN. 745. § 1. The subject capable of baptism is every human being who is not yet baptized.

§ 2. When it comes to baptism:

1. For very young children or infants, according to canon 88, § 3, who have not yet attained the use of reason, those who are attached to them by affection from infancy are present, established in any age;

2. Adults are considered to be those who make use of reason; and this is sufficient for each person to freely request baptism and to be admitted to it.

CAN. 746. § 1. No one who is enclosed in the womb of his mother shall be baptized, unless there is a reasonable hope that he can be properly born.

§ 2. If an infant has emerged head first and the danger of death is imminent, he shall be baptized on the head; and neither afterwards, if he survives, is he to be baptized again under a condition.

§ 3. If another member has emerged, in that member, if the danger is imminent, he shall be baptized conditionally; but then, if he is born alive, he must again be baptized conditionally.

§ 4. If the pregnant mother has died, the fetus, by those to whom it pertains, shall be baptized absolutely, if it is certainly alive; if it is doubtful, conditionally.

§ 5. A fetus, baptized in the womb, after birth must be baptized again conditionally.

CAN. 747. It is to be ensured that all aborted fetuses, delivered at any time, if certainly alive, are baptized absolutely; if it is doubtful, conditionally.

CAN. 748. Monstruous and deformed infants are always to be baptized at least conditionally; but if there is doubt as to whether one or more human beings are involved, one is to be baptized absolutely, the others conditionally.

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CAN. 749. Exposed and found infants are to be baptized conditionally, unless, after careful investigation, it is known whether they have been baptized.

[*Latin ed. p. 159*]

Book Third - On Canon Law.

CAN. 159, 750. § 1. An infant of non-believers, even against the will of the parents, may lawfully be baptized, if it is apparent that its life is in danger, so that it is prudently foreseen to be dying, before it attains the use of reason.

§ 2. Outside of the danger of death, provided that care is taken for its Catholic education, it may lawfully be baptized: 1.° If the parents or guardians, or at least one of them, consent; 2.° If the parents, that is, the father, mother, grandfather, grandmother, or guardians, are absent, or have lost their rights over it, or are unable to exercise them in any way.

CAN. 751. Concerning the baptism of children of two heretics or schismatics, or of two Catholics who have fallen into apostasy, heresy, or schism, the norms established in the preceding canon should generally be observed.

CAN. 752. § 1. An adult should not be baptized unless he is knowingly and willingly, and thoroughly instructed; moreover, he should be admonished to be sorrowful for his sins.

§ 2. However, in the danger of death, if he cannot be more diligently instructed in the principal mysteries of the faith, it is sufficient, for conferring baptism, that he in some way show that he assents to them, and that he seriously promises to remain within the Christian religion.

§ 3. If he is not even able to ask for baptism, but has previously or in his present state manifested in some probable way his intention of receiving it, he should be baptized conditionally; if, then, he recovers and doubt remains about the validity of the baptism conferred, baptism should be conferred again conditionally.

CAN. 753. § 1. It is fitting that both the priest who is about to baptize adults, and the adults themselves who are of sound mind, should be fasting.

§ 2. Unless grave and urgent reasons prevent it, the adult who is baptized should immediately attend the Sacrifice of the Mass and receive the Holy Communion.

CAN. 754. § 1. The insane and the demented should not be baptized, unless they have been such from birth, or before attaining the use of reason; and then they are to be baptized as infants.

§ 2. However, if they have lucid intervals, while they are of sound mind, they should be baptized, if they wish.

§ 3. They should also be baptized, if the danger of death is imminent, if,

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before they became insane, they showed a desire to receive baptism.

§ 4. He who suffers from lethargy or phrenzy should be baptized only when awake and willing; but if the danger of death is imminent, the prescription of § 3 should be observed.

[*Latin ed. p. 160*]

160 Code of Canon Law, CHAPTER III. On the rites and ceremonies of baptism. CANON 755. § 1. Baptism must be conferred solemnly, except as prescribed in canon 759. § 2. The Ordinary of the place may, for a grave and reasonable cause, grant permission for the ceremonies prescribed for the baptism of infants to be used in the baptism of adults. CANON 756. § 1. Children are to be baptized according to the rite of their parents. § 2. If one of the parents belongs to the Latin rite, and the other to the Eastern rite, the child is to be baptized according to the rite of the father, unless otherwise provided for by special law. § 3. If only one of the parents is a Catholic, the child is to be baptized according to the Catholic rite. CANON 757. § 1. In the solemn rite of baptism, water blessed for this purpose must be used. § 2. If the blessed water in the baptistery is so diminished that it appears to be insufficient, unblessed water may be added, even repeatedly, but in smaller quantities. § 3. However, if the water is corrupted, or has run out, or is in any way deficient, the parish priest shall pour fresh water into the font, which must be well cleaned and kept clean, and bless it according to the rite prescribed in his liturgical books. CANON 758. Baptism can be validly conferred either by immersion, or by affusion, or by aspersion; however, the first or second method, or a combination of both, which is more commonly used, is to be retained, according to the approved ritual books of the various Churches. CANON 759. § 1. In the case of imminent death, it is permissible to confer baptism privately; and if it is conferred by a minister who is neither a priest nor a deacon, only those things that are necessary for the validity of baptism are to be observed; if it is conferred by a priest or deacon, the ceremonies that follow baptism are also to be observed, if time permits. § 2. Outside the case of imminent death, the Ordinary of the place cannot permit private baptism, unless it is a matter of heretics who are baptized in adult age under a condition. § 3. However, the ceremonies that have been omitted in any way during the conferral of baptism are to be supplied as soon as possible in the church; unless it is the case mentioned in § 2. CANON 760. When baptism is repeated under a condition, the ceremonies are to be supplied, if they were omitted in the previous baptism, except as prescribed in canon 759.

[*Latin ed. p. 161*]

Book Third - Concerning Things 161 § 3; but if they were used in the prior baptism, they may be repeated in the other, or omitted. CAN. 7 6 1. Parishes should see to it that a Christian name is given to the one being

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baptized; if this cannot be accomplished, they should add the name of a Saint, and both names should be written in the book of the baptized. CHAPTER I V. Concerning Godparents. CAN. 7 6 2. § 1. According to the most ancient custom of the Church, no one is solemnly baptized unless he has a godparent, insofar as it is possible. § 2. Even in private baptism, a godparent should be used, if it can easily be obtained; if he is not present, he should be used to complete the ceremonies of baptism, but in this case, he does not contract any spiritual relationship. CAN. 7 6 3. § 1. When baptism is repeated under a condition, the same godparent should be used, insofar as it is possible, who was present in the prior baptism; outside of this case, in baptism under a condition, a godparent is not necessary. § 2. In repeated baptism under a condition, neither the godparent who was present at the prior baptism, nor the one present at the subsequent baptism, contracts a spiritual relationship, unless the same godparent is used in both baptisms. CAN. 7 6 4. Only one godparent is required, although of a different sex from the one being baptized, or at most one man and one woman may be used. CAN. 7 6 5. In order for someone to be a godparent, it is necessary that: 1.° He be baptized, have attained the use of reason, and have the intention of performing this office; 2.° He not belong to any heretical or schismatic sect, nor be excommunicated or declared excommunicated by a sentence, nor be infamous in the eyes of the law, nor be excluded from legitimate acts, nor be a cleric who has been deposed or degraded; 3.° He not be the father or mother or spouse of the one being baptized; 4.° He be designated by the one being baptized, or by his parents or guardians, or, if these are lacking, by the minister; 5.° The one being baptized, in the act of baptism, physically holds or touches, or immediately lifts or receives from the sacred font or from the hands of the baptizer. CAN. 7 6 6. In order for someone to be lawfully admitted as a godparent, it is necessary that: 1.° He have reached the age of fourteen years, unless, for a just reason, the minister sees otherwise; ACTA, vol. IX, Part II. 11

[*Latin ed. p. 162*]

162. *Codex Iuris Canonici*, 2°. Nemo, propter notum delictum excommunicatus vel exclusus ab actibus legitimis vel infamis infamia iuris, quin tamen sententia intercesserit, nec sit interdictus aut alias publice criminosus vel infamis infamia facti.

3°. Fidei rudimenta noverit.

4°. In nulla religione sit novitius vel professus, nisi necessitas urgeat et expressa habeatur venia Superioris saltem localis.

5°. In sacris ordinibus non sit constitutus, nisi accedat expressa Ordinarii proprii licentia.

CAN. 76. 7°. In dubio utrum quis valide vel licite admitti possit, necne, ad parochum munus, parochus, si tempus suppetat, consulat Ordinarium.

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CAN. 76. 8°. Ex baptismo spiritualem cognationem contrahunt tantum cum baptizato baptizans et patrinus.

CAN. 76. 9°. Patrinorum est, ex suscepto munere, spiritualem filium perpetuo sibi commendatum habere, atque in iis quae ad christianae vitae institutionem spectant, curare diligenter ut ille talem in tota vita se praebeat, qualem futurum èsse sollemni caeremonia spoponderunt.

CAPUT V. De tempore et loco baptismi conferendi.

CAN. 770. Infantes quamprimum baptizentur; et parochi ac concionatores frequenter fideles de hac gravi eorum obligatione commoneant.

CAN. 771. Baptismus privatus, urgente necessitate, quovis tempore et loco administrandus est.

CAN. 772. Etiam sollemnis baptismus qualibet die administrari potest; decet tamen adultorum baptismum, secundum antiquissimum Ecclesiae ritum, conferri, si fieri commode queat, in pervigilio Paschatis et Pentecostes, praecipue in metropolitanis aut cathedralibus ecclesiis.

CAN. 773. Proprius baptismi sollemnis administrandi locus est baptisterium in ecclesia vel oratorio publico.

CAN. 774. § 1. Quaelibet paroecialis ecclesia, revocato ac reprobato quovis contrario statuto vel privilegio vel consuetudine, baptismalem habeat fontem, salvo legitimo iure cumulativo aliis ecclesiis iam quaesito.

[*Latin ed. p. 163*]

Book Third - Concerning Matters 163 § 2. The Ordinary [bishop] may, for the benefit of the faithful, permit or order that the baptismal font be placed even in another church or public oratory within the boundaries of the parish. CAN. 775. If a person to be baptized cannot, without grave inconvenience or danger, access or be transferred to the parish church, or to another church that lawfully possesses a baptismal font, due to distance or other circumstances, then the solemn baptism must be conferred by the pastor in the nearest church or public oratory within the boundaries of the parish, even if these lack a baptismal font. CAN. 776. § 1. In private homes, the solemn baptism should not be administered, unless under these circumstances: 1.° If the persons to be baptized are the children or grandchildren of those who hold the highest office in the government or have the right to succeed to the throne, whenever they duly request it; 2.° If the Ordinary, according to his prudent judgment and conscience, deems it advisable to grant this in some extraordinary case for a just and reasonable reason. § 2. In the aforementioned cases, baptism must be conferred in a chapel of the house or at least in another suitable place, and with water that has been blessed according to the custom. CHAPTER VI. Concerning the recording and administration of baptism. CAN. 777. § 1. Pastors must diligently and without delay record in the baptismal register the names of those baptized, mentioning the minister, the parents, and the godparents,

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as well as the place and date of the baptism. § 2. In the case of illegitimate children, the mother's name must be entered if her maternity is publicly known, or if she herself requests it in writing or before two witnesses; also, the father's name, provided that he himself requests it in writing or before two witnesses from the pastor, or if his name is known from a public official document; in other cases, the child is to be entered as the son of an unknown father or of unknown parents. CAN. 778. If baptism has not been administered by the proper pastor, nor in his presence, the minister must, as soon as possible after the baptism, inform the pastor of the parish to which the baptized person belongs. CAN. 779. To prove that baptism has been received, if it does not prejudice anyone, the testimony of one witness of full age is sufficient, or the oath of the baptized person himself, if he received baptism in adult age.

[*Latin ed. p. 164*]

Code 164 of the Canon Law, TITLE II. Concerning Confirmation.

CANON 780. The sacrament of Confirmation must be conferred through the imposition of hands with the unction of chrism on the forehead, and through the words prescribed in the pontifical books approved by the Church.

CANON 781. § 1. The chrism to be used in the sacrament of Confirmation must be consecrated by the Bishop, even if the sacrament is administered by a priest, either by law or by an apostolic indult.

§ 2. The unction, however, must not be performed with any instrument, but by the hand of the minister duly imposed on the head of the one being confirmed.

CHAPTER Concerning the minister of Confirmation.

CANON 782. § 1. The ordinary minister of Confirmation is solely the Bishop.

§ 2. An extraordinary minister is a priest to whom this faculty has been granted, either by common law or by a special indult of the Apostolic See.

§ 3. By law, besides the Cardinals of the Holy Roman Church according to canon 239, § 1, n. 23, an Abbot or Prelate without a diocese, a Vicar, and an Apostolic Prefect possess this faculty, but they cannot validly exercise it except within the boundaries of their territory and only during their tenure of office.

§ 4. A priest of the Latin rite to whom this faculty belongs by virtue of an indult, validly confers Confirmation only on the faithful of his own rite, unless otherwise expressly stipulated in the indult.

§ 5. It is forbidden to priests of the Eastern rite, who possess the faculty or privilege of conferring Confirmation together with baptism on infants of their own rite, to administer it to infants of the Latin rite.

CANON 783. § 1. The Bishop may legitimately administer this sacrament

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to non-Catholics also within his diocese, unless expressly prohibited by the Ordinary of those non-Catholics.

§ 2. In a diocese other than his own, he requires the permission of the local Ordinary, at least reasonably presumed, unless it concerns his own subjects to whom he privately confers Confirmation without staff and mitre.

CANON 784. It is also permitted to a priest, if he is protected by an apostolic local privilege, to confirm also non-Catholics within the territory designated to him, unless this is expressly forbidden by their own Ordinary.

[*Latin ed. p. 165*]

Title Third - Concerning Matters 165. Canon 7, 8, 5. § 1. The Bishop is bound by obligation to confer this sacrament to those subject to him who rightly and reasonably request it, especially during the visitation of the diocese. § 2. The same obligation rests upon the priest, granted an apostolic privilege, with regard to those for whose benefit the faculty has been granted. § 3. The Ordinary, being legitimately hindered or lacking the power to confirm, ought, as far as possible, to provide, at least within every five years, that this sacrament be administered to his subjects. § 4. If he seriously neglects to administer the sacrament of Confirmation to his subjects, either by himself or through another minister, the prescription of canon 274, number 4, shall be observed.

CHAPTER II. Concerning the Subject of Confirmation. Canon 7, 8, 6. He who has not been cleansed by the waters of baptism cannot be validly confirmed; furthermore, in order that one may be lawfully and fruitfully confirmed, he must be in the state of grace, and, if he possesses the use of reason, sufficiently instructed. Canon 7, 8, 7. Although this sacrament is not of the number of those absolutely necessary for salvation, it is not permitted to anyone, when the opportunity is offered, to neglect it; indeed, pastors should take care that the faithful may approach it at a suitable time. Canon 7, 8, 8. Although the administration of the sacrament of Confirmation may conveniently be deferred in the Latin Church until the seventh year of age, nevertheless it can also be conferred earlier, if a child is in danger of death, or if it seems expedient to the minister for just and serious reasons. Canon 7, 8, 9. Those to be confirmed, if there are many, must be present for the first imposition of hands or extension, and they should not depart until the rite is completed.

CHAPTER III. Concerning the Time and Place for Conferring Confirmation. Canon 7, 9, 0. This sacrament can be conferred at any time; however, it is most fitting to administer it during the week of Pentecost. Canon 7, 9, 1. Although the proper place for administering Confirmation is the church, nevertheless, for a reason which the minister judges to be just and reason-

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able, this sacrament can be conferred in any other suitable place.

[*Latin ed. p. 166*]

166. Code of Canon Law, CANON 792. It belongs to the Bishop to administer the Sacrament of Confirmation within the boundaries of his diocese, even in places that are exempt. CHAPTER IV. Concerning Sponsors. CANON 793. According to the most ancient custom of the Church, just as in Baptism, so also in Confirmation, a sponsor should be used, if it can be obtained. CANON 794. § 1. Only one sponsor, or at most two, should be present, unless another seems more fitting to the minister for a just reason. § 2. Also, there should be one sponsor for each person to be confirmed. CANON 795. In order that someone may be a sponsor, it is necessary that: 1.° He himself also be confirmed, having attained the use of reason, and have the intention of fulfilling this office; 2.° He be not attached to any heretical or schismatic sect, nor be noted by a declaratory or condemnatory sentence for any of the penalties mentioned in canon 765, number 2; 3.° He be not the father, mother, or spouse of the person to be confirmed; 4.° He be designated by the person to be confirmed, or by his parents or guardians, or, if these are lacking or refuse, by the minister or the parish priest; 5.° The person to be confirmed, in the very act of Confirmation, physically touch him, either by himself or by a proxy. CANON 796. In order that someone may be lawfully admitted to the office of sponsor, it is necessary that: 1.° He be different from the baptismal sponsor, unless a reasonable cause, according to the judgment of the minister, suggests otherwise, or unless the Sacrament of Confirmation is legitimately conferred immediately after Baptism; 2.° He be of the same sex as the person to be confirmed, unless otherwise seems fitting to the minister in particular cases for a reasonable cause; 3.° Furthermore, the prescriptions of canon 766 must be observed. CANON 797. Also, from a valid Confirmation, a spiritual relationship arises between the confirmed person and the sponsor, from which the sponsor is bound by an obligation to perpetually have the confirmed person entrusted to him, and to care for his Christian education.

[*Latin ed. p. 167*]

Book Third - Concerning Things

CHAPTER 167

V. Concerning the notation and proof of the sacrament of Confirmation.

CANON 798. The parish priest shall write in a special book the names of the minister, those who are confirmed, the parents, and the godparents, as well as the day and place of the Confirmation, in addition to the notation in the book of baptisms, as mentioned in canon 470, § 2.

CANON 799. If the proper pastor is not present, the minister shall, either

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himself or through another, inform the pastor as soon as possible of the Confirmation that has been conferred.

CANON 800. To prove that the sacrament of Confirmation has been conferred, without causing prejudice to anyone, it is sufficient to have one witness who is of the majority age, or the oath of the one who was confirmed himself, unless the one who was confirmed was of an age of infancy.

TITLE III. Concerning the Most Holy Eucharist.

CANON 801. In the Most Holy Eucharist, under the species of bread and wine, Christ the Lord Himself is contained, is offered, is received.

CHAPTER I. Concerning the Holy Sacrifice of the Mass.

ARTICLE I. — Concerning the priest who celebrates the Sacrifice of the Mass.

CANON 802. Only priests have the power to offer the Sacrifice of the Mass.

CANON 803. It is not permitted for more than one priest to concelebrate, except in the Mass of the ordination of priests and in the Mass of the consecration of bishops, according to the Roman Pontifical.

CANON 804. § 1. A priest who is not of the parish in which he wishes to celebrate shall be admitted to celebrate the Mass, if he presents authentic and still valid letters of recommendation from his Ordinary, if he is a diocesan priest, or from his Superior, if he is a religious, or from the Sacred Congregation for the Oriental Churches, if he is of the Oriental rite, unless it is known that he has committed something for which he ought to be prevented from celebrating the Mass.

[*Latin ed. p. 168*]

Codex Iuris Canonici § 2. Si is litteris careat, sed rectori ecclesiae de eius probitate apprime constet, poterit admitti; si vero rectori sit ignotus, admitti adhuc potest semel vel bis, dummodo, ecclesiastica veste indutus," nihil ex celebratione ab ecclesia in qua litat, quovis titulo, percipiat, et nomen, officium suamque dioecesim in peculiari libro signet. § 3. Peculiares hac de re normae, salvis huius canonis praescriptis, ab Ordinario loci datae, servandae sunt ab omnibus, etiam religiosis exemptis, nisi agatur de admittendis ad celebrandum religiosis in ecclesia suae religionis.

CAN. 805. Omnes sacerdotes tenentur obligatione Sacrum litandi pluries per annum; curet autem Episcopus vel Superior religiosus ut iidem saltem singulis diebus dominicis aliisque festis de praecepto divinis operentur.

CAN. 806. § 1. Excepto die Nativitatis Domini et die Commemorationis omnium fidelium defunctorum, quibus facultas est ter offerendi Eucharisticum Sacrificium, non licet sacerdoti plures in die celebrare Missas, nisi ex apostolico indulto aut potestate facta a loci Ordinario.

§ 2. Hanc tamen facultatem impertiri nequit Ordinarius, nisi cum, prudenti ipsius iudicio, propter penuriam sacerdotum die festo de praecepto

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notabilis fidelium pars Missae adstare non possit; non est autem in eius potestate plures quam duas Missas eidem sacerdoti permittere.

CAN. 807. Sacerdos sibi conscius peccati mortalis, quantumvis se contritum existimet, sine praemissa sacramentali confessione Missam celebrare ne audeat; quod si, deficiente copia confessarii et urgente necessitate, elicito tamen perfectae contritionis actu, celebraverit, quamprimum confiteatur.

CAN. 808. Sacerdoti celebrare ne liceat, nisi ieiunio naturali a media nocte servato.

CAN. 809. Integrum est Missam applicare pro quibusvis tum vivis, tum etiam defunctis purgatorio igne admissa expiantibus, salvo praescripto can. 2262, § 2, n. 2.

CAN. 810. Sacerdos ne omittat ad Eucharistici Sacrificii oblationem sese piis precibus disponere, eoque expleto, gratias Deo pro tanto beneficio agere.

CAN. 811. § 1. Sacerdos, Missam celebraturus, deferat vestem convenientem quae ad talos pertingat et sacra ornamenta a rubricis sui ritus praescripta.

[*Latin ed. p. 169*]

Book Third - On Matters 169 § 2. He ought to abstain from wearing a biretta and a ring, unless he is a Cardinal, Bishop, or Abbot of the Holy Roman Church, or unless an apostolic indult permits him to use them in celebrating the Mass. CAN. 812. No priest celebrating Mass, except for Bishops and other prelates who make use of pontifical vestments, is permitted, solely for the sake of honor or solemnity, to have a presbyter assisting him. CAN. 813. § 1. A priest ought not to celebrate Mass without a minister who serves and responds to him. § 2. The minister serving at Mass ought not to be a woman, unless, in the absence of a man, and for a just reason, she serves, and according to the rule that the woman should respond from a distance and not approach the altar by any means. ARTICLE II. - Concerning the rites and ceremonies of Mass. CAN. 814. The most holy sacrifice of the Mass must be offered with bread and wine, to which a very small amount of water is mixed. CAN. 815. § 1. The bread must be purely of wheat and recently made, so that there is no danger of corruption. § 2. The wine must be natural, from the grape, and not corrupted. CAN. 816. In the celebration of Mass, the priest, according to the proper rite, must use unleavened or leavened bread, wherever it is permitted by the sacred laws. CAN. 817. It is forbidden, even in the case of extreme necessity, to consecrate another substance in place of the other, or even both, outside of the celebration of Mass. CAN. 818. Any custom contrary to this is to be condemned; the celebrating priest must carefully and devoutly observe the rubrics of his ritual books, and he must take care not to add any other ceremonies or prayers of his own accord. CAN. 819. The sacrifice of the

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Mass must be celebrated in the liturgical language approved by the Church for each rite. ARTICLE III. - Concerning the time and place of celebrating Mass. CAN. 820. The sacrifice of the Mass can be celebrated on all days, except for those which are excluded by the proper rite of the priest.

[*Latin ed. p. 170*]

170 Codex Iuris Canonici CAN. 8 § 2 § 1. The beginning of the Mass shall not be sooner than one hour before dawn, nor later than one hour after midday. § 2. On the night of the Nativity of the Lord, the Solemn Mass or the parish Mass alone may begin at midnight; no other Mass is permitted without an apostolic indult. § 3. However, in all religious or pious houses that have a chapel and the faculty of habitually reserving the Most Holy Eucharist, on the night of the Nativity of the Lord, one priest may celebrate three Masses, or, if it is possible, only one Mass which, with all things observed, suffices for the satisfaction of the precept, and may administer the Holy Communion to those who request it. CAN. 8 § 2 § 2. The Mass must be celebrated upon a consecrated altar, and in a church or chapel that has been consecrated or blessed according to the law. § 3. The privilege of a portable altar is granted only by the Apostolic See, either by law or by indult. § 4. This privilege is to be understood as conferring the faculty of celebrating everywhere, provided it is in a decent and fitting place, and upon a sacred stone, but not upon the sea. The Ordinary or, if it concerns a house of a religious order exempt, the Major Superior, may grant permission to celebrate outside the church and chapel, upon a sacred stone and in a decent place, but never in a bedroom, for just and reasonable causes, in some extraordinary case, and by way of an exception. CAN. 823. § 1. It is not permitted to celebrate Mass in the temple of heretics or schismatics, even if it was formerly duly consecrated or blessed. § 2. If an altar of the proper rite is lacking, it is permissible for a priest to celebrate according to the proper rite upon an altar consecrated according to another Catholic rite, but not upon the antimension of the Greeks. § 3. No one may celebrate upon papal altars without an apostolic indult. ARTICLE IV. — Concerning the alms or stipends for Masses. CAN. 824. § 1. According to the received and approved custom and institution of the Church, any priest celebrating and offering the Mass is permitted to receive an alms or stipend. § 2. However, if he celebrates more than once in a day, if he applies one Mass for the sake of justice, the priest, except on the day of the Nativity of the Lord, may not receive another alms, except for some external recompense.

[*Latin ed. p. 171*]

Book Third - Concerning Matters 171. Canon 8, sections 2, 5. It is never permissible: 1.° To apply the Mass to the intention of the one who intends to request the application, having offered alms, but has not yet requested it, and to retain the alms offered afterward for the Mass previously applied;

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2.° To receive alms for a Mass that is due by another title and is applied to another intention; 3.° To receive a double alms for the application of the same Mass; 4.° To receive one alms for the mere celebration, and another for the application of the same Mass, unless it is certain that one sum was offered for the celebration without application. Canon 8, section 2, 6. § 1. Stipends which are offered by the faithful for Masses, whether out of their own devotion, such as offered "at the altar," or by obligation, even a perpetual obligation imposed by a testator upon his heirs, are called manual stipends. § 2. Stipends of Masses founded (endowed) are called manual stipends, which cannot be applied in their proper place, or by those who ought to apply them according to the foundation documents, and therefore, by law or by a grant from the Holy See, must be given to other priests so that they may fulfill the obligation. § 3. Other stipends which are received from the revenues of foundations are called founded stipends, or Masses founded (endowed). Canon 8, section 2, 7. From the stipend of Masses, any kind of negotiation or commerce must be entirely excluded. Canon 8, section 2, 8. As many Masses must be celebrated and applied as stipends, even small ones, have been given and received. Canon 8, section 2, 9. It is permissible, without fault on the part of the one burdened with the obligation of celebrating, for alms already received for Masses to be lost; the obligation, however, does not cease. Canon 8, section 2, 10. If someone offers a sum of money for the application of Masses, without indicating the number of them, then, unless it can be legitimately presumed that his intention was otherwise, the amount shall be calculated according to the custom of the place in which the offeror resided. Canon 8, section 2, 11. § 1. It is the duty of the Ordinary of the place to define the manual stipend for Masses in his diocese by decree, as far as possible, at the diocesan Synod; nor is it permissible for a priest to demand a greater amount. § 2. Where the decree of the Ordinary is lacking, the custom of the diocese must be observed.

[*Latin ed. p. 172*]

172 Code of Canon Law § 3. Even religious, although exempt, must observe the decree of the local Ordinary or the custom of the diocese concerning manual stipends. CAN. 832. It is permissible for a priest to accept a larger stipend offered freely for the offering of a Mass; and, unless the local Ordinary prohibits it, even a smaller one. CAN. 833. It is presumed that the offerer intends only the offering of a Mass; however, if the offerer expressly determines certain circumstances to be observed in the celebration of the Mass, the priest, accepting the alms, must adhere to his will. CAN. 834. § 1. Masses for which the time for celebration has been expressly prescribed by the offerer must be celebrated at that very time. § 2. If the offerer has not expressly prescribed any time for the celebration of manual Masses: 1.° Masses offered for an urgent cause must be celebrated as soon as possible

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at a convenient time; 2.° In other cases, Masses must be celebrated within a reasonable time, depending on the greater or lesser number of Masses. § 3. If the offerer has left the time of celebration to the discretion of the priest, the priest may celebrate them at the time that is most convenient to him, according to the firm prescription of canon 835. CAN. 835. No one is permitted to accept so many Masses to be celebrated by himself as he cannot fulfill within a year. CAN. 836. In churches where, due to the particular devotion of the faithful, alms for Masses flow in so abundantly that all the Masses cannot be celebrated there at the proper time, the faithful are to be informed, by a notice displayed in a conspicuous place, that the offered Masses will be celebrated either there, when it is convenient, or elsewhere. CAN. 837. He who has Masses to be celebrated by others must distribute them as soon as possible, according to the firm prescription of canon 841; but the proper time for the celebration of the same begins from the day on which the priest who is to celebrate them receives them, unless something else is known. CAN. 838. Those who have a number of Masses over which they are free to dispose may assign them to priests to whom they have been given, provided that they are properly aware that these priests are either exempt from all obligations or have been recommended by their own Ordinary.

[*Latin ed. p. 173*]

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CAN. 839. Those who have received Masses offered by the faithful, or who have, in any way, entrusted to others the obligation of celebrating Masses for their intentions, are bound to continue in that obligation until they have obtained proof that the Masses have been accepted and that the offering has been received.

CAN. 840. § 1. Whoever transmits manual Mass offerings to others, must transmit them in full, unless the donor expressly permits something to be retained, or it is certain that an excess beyond the diocesan rate was given with the intention of benefiting the recipient.

§ 2. In Masses offered in the manner of manual offerings, unless the intention of the founder prevents it, the excess may legitimately be retained, and it is sufficient to remit only the manual offering to the diocese in which the Mass is celebrated, if a generous offering takes the place of the endowment of a benefice or pious cause.

CAN. 841. § 1. All and each administrators of pious causes, or who are in any way obligated to fulfill the obligations of Masses, whether clerical or lay, must, at the end of each year, present to their Ordinaries the obligations for Masses which have not yet been fulfilled, according to the manner to be determined by them.

§ 2. This time is to be understood in such a way that, for Masses offered

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in the manner of manual offerings, the obligation of fulfilling them runs from the end of the year within which the obligations should be fulfilled; for manual offerings, however, after one year from the date the obligation was accepted, unless the will of the donors indicates otherwise.

CAN. 842. The right and duty of overseeing that the obligations of Masses are fulfilled, in secular churches, belongs to the local Ordinary; in religious houses, to their Superiors.

CAN. 843. § 1. Rectors of churches and other pious places, whether secular or religious, in which Mass offerings are customarily received, shall have a special book in which they accurately note the number of Masses received, the intention, the offering, and the celebration.

§ 2. Ordinaries are obligated to examine these books, either personally or through others, at least once each year.

CAN. 844. § 1. Ordinaries and religious Superiors who entrust the celebration of Masses to their own subordinates or to others, must promptly record in a book the Masses received, along with their offerings, and they should, as far as possible, ensure that they are celebrated as soon as possible.

§ 2. Indeed, all priests, whether secular or religious, must carefully note the intentions for which each Mass was offered, and for which they have fulfilled the obligation.

[*Latin ed. p. 174*]

Codex 174 of Canon Law, CHAPTER II, Concerning the Most Holy Sacrament of the Eucharist.

ART. I. — Concerning the Minister of Holy Communion.

CAN. 845. § 1. The ordinary minister of Holy Communion is solely the priest.

§ 2. An extraordinary minister is the deacon, or, with the license of the local Ordinary or pastor, which must be granted for a grave reason, legitimately presumed in cases of necessity.

CAN. 846. § 1. Any priest, within the Mass, and if he celebrates privately, also immediately before and after, may administer Holy Communion, saving the prescription of canon 869.

§ 2. Also outside of Mass, any priest possesses the same faculty by at least presumed license of the rector of the church, if he is an outsider.

CAN. 847. Holy Communion should be publicly brought to the sick, unless a just and reasonable cause dictates otherwise.

CAN. 848. § 1. The right and duty of publicly bringing Holy Communion to the sick, even those not belonging to the parish, outside the church, belongs to the pastor within his territory.

§ 2. Other priests may do so only in cases of necessity or with at least

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presumed license of the same pastor or Ordinary.

CAN. 849. § 1. Any priest may privately bring Holy Communion to the sick, with at least presumed permission of the priest to whom the custody of the Most Holy Sacrament has been entrusted.

§ 2. When Holy Communion is privately administered to the sick, due diligence is exercised to observe the reverence and decency due to this Sacrament, observing the prescribed norms of the Apostolic See.

CAN. 850. It belongs to the pastor, according to canon 848, to administer Holy Communion to the sick, either publicly or privately, as a viaticum, saving the prescription of canon 397, n. 3, and canon 514.

CAN. 851. § 1. The priest distributes Holy Communion with unleavened bread or leavened bread, according to the proper rite.

§ 2. But where necessity arises and no priest of a different rite is present, it is permitted for an Eastern priest who uses leavened bread to administer the Eucharist.

[*Latin ed. p. 175*]

Book Third - Concerning Matters 175. Whether the priest should use unleavened or leavened bread, according to the Latin or Eastern rite, he should minister the Eucharist in the manner prescribed by his own rite; but each priest must observe his own proper manner of ministering. CAN. 852. The Most Holy Eucharist shall be given under the species of bread alone. PART II. - Concerning the subject of Holy Communion. CAN. 853. Any baptized person who is not lawfully prohibited may be admitted to Holy Communion, and ought to be. CAN. 854. § 1. The Eucharist should not be given to children who, because of their weakness of age, do not yet have knowledge and experience of this Sacrament. § 2. In the danger of death, in order that the Most Holy Eucharist may be given to children, it is sufficient that they know how to distinguish the Body of Christ from ordinary food, and to adore it with reverence. § 3. Outside the danger of death, a fuller knowledge of Christian doctrine and more careful preparation are required, namely, that they may at least understand the necessary mysteries of the faith by means suitable to their capacity, and may approach the Most Holy Eucharist with devotion, according to their age. § 4. It is the duty of the priest to judge, from the confessions of the children and of their parents or those who are in the place of parents, concerning the sufficient disposition of the children for their First Communion. § 5. It is the duty of the pastor to see to it, even by examination, if he prudently judges it necessary, that children do not approach the Holy Synaxis before they have attained the use of reason, or without sufficient disposition; and also to see to it that those who have attained the use of reason and are sufficiently disposed are nourished by this divine food as soon as possible. CAN. 855. § 1. Those who are publicly unworthy of the Eucharist are to be excluded,

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such as the excommunicated, the interdicted, and those manifestly infamous, unless it is known that they have made amends for their penance and have satisfied for public scandal. § 2. However, if secret sinners ask for Communion secretly, and the minister knows that they are not reformed, he should refuse them; but he should not refuse them if they ask publicly, since he cannot pass them by without causing scandal. CAN. 856. No one burdened by mortal sin, no matter how much he may think himself contrite, should approach Holy Communion without first receiving the Sacrament of Penance; unless necessity urges, and a confessor is not available to him, then he must first elicit an act of perfect contrition. CAN. 857. No one is permitted to receive the Most Holy Eucharist who has already received it on the same day, unless in the cases mentioned in can. 858, § 1.

[*Latin ed. p. 176*]

Codex 176 of Canon Law, CANON 858. § 1. He who has not observed the natural fast from midnight shall not be admitted to the Most Holy Eucharist, unless he is in danger of death, or unless it is necessary to prevent irreverence towards the Sacrament. § 2. However, the infirm who have been lying ill for a month without a certain hope of a speedy recovery may, with the prudent counsel of a confessor, receive the Most Holy Eucharist once or twice a week, even if they have previously taken some medicine or something in the nature of a drink.

CANON 859. § 1. Every faithful of both sexes, after having reached the age of discretion, that is, the use of reason, ought to receive the Sacrament of the Eucharist at least once a year, preferably during Easter, unless, by the counsel of his own priest, for a reasonable cause, he has judged it fitting to abstain from it for a time. § 2. The Paschal Communion shall be received from Palm Sunday to the Sunday in Albis; but it is permissible for the Ordinaries of places to anticipate this time also for all their faithful, if the circumstances of persons and places require it, but not before the fourth Sunday of Lent, or to postpone it, but not beyond the feast of the Most Holy Trinity. § 3. It is to be urged upon the faithful that they fulfill this precept in their own parish; and those who have fulfilled it in a different parish should take care to inform their own pastor of the fulfillment of the precept. § 4. The precept of Paschal Communion still applies, if anyone has not fulfilled it during the prescribed time, for any reason.

CANON 860. The obligation of receiving the Sacrament of Communion, which burdens the adolescents, applies also, and especially, to those who are bound to have care of them, that is, to parents, guardians, confessors, teachers, and the parish priest.

CANON 861. The precept of receiving Communion is not fulfilled by a sacrilegious Communion.

CANON 862. It is fitting that on the feria of the greater week, all clerics, even priests who abstain from the Sacred Office on that day, be nourished

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by the Most Holy Body of Christ in the solemn or conventual Mass.

CANON 863. The faithful are to be encouraged to be nourished frequently, even daily, by the Eucharistic bread, according to the norms handed down in the decrees of the Apostolic See; and that those attending Mass should communicate, properly disposed, not only with spiritual affection, but also with the sacramental reception of the Most Holy Eucharist.

CANON 864. § 1. In danger of death, from whatever cause it may arise, the faithful are bound by the precept of receiving the Sacrament of Holy Communion.

[*Latin ed. p. 177*]

Book Third - On Matters 177 § 2. Even if one has been strengthened by the Holy Communion on the same day, it is nevertheless strongly advised that, as if facing a matter of life and death, they receive Communion again. § 3. As long as the danger of death persists, the Holy Viaticum, according to the prudent counsel of the confessor, may and ought to be administered more than once, on different days. "CAN. 865. The Holy Viaticum should not be delayed too long for the sick; and those who care for souls should diligently see to it that the sick are duly strengthened by it. CAN. 866. § 1. To all the faithful of any rite, it is permitted, for reasons of piety, to receive the Sacrament of the Eucharist, whatever the form of its consecration may be. § 2. However, it is advisable that the faithful should fulfill the precept of Paschal Communion according to their own rite. § 3. The Holy Viaticum must be received by the dying according to their own rite; but, if there is an urgent necessity, it is permissible to receive it in any rite. ARTICLE III. - Concerning the time and place in which Holy Communion may be distributed. CAN. 867. § 1. It is permissible to distribute the most holy Eucharist on all days. § 2. However, on the Feria of the Greater Week, it is permissible only to bring the Holy Viaticum to the sick. § 3. On Holy Saturday, Holy Communion may not be administered to the faithful except during the solemnities of Mass, or immediately after they have been completed. § 4. Holy Communion should be distributed only at those hours in which the sacrifice of the Mass can be offered, unless a reasonable reason suggests otherwise. § 5. However, the Holy Viaticum may be administered at any hour of the day or night. CAN. 868. It is not permitted for the priest celebrating to distribute the Eucharist to the faithful within Mass, if they are so far away that he loses sight of the altar. CAN. 869. Holy Communion may be distributed wherever it is permissible to celebrate Mass, even in a private oratory, unless the local Ordinary has, for just reasons, prohibited it in particular cases. TITLE IV. On Penance. CAN. 870. In the Sacrament of Penance, sins committed after Baptism are remitted to the faithful who are properly disposed, through the judicial absolution imparted by a legit-

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imate minister. ACTS, vol. IX, Part II. 12

[*Latin ed. p. 178*]

178. Code of Canon Law, CHAPTER: Concerning the Minister of the Sacrament of Penance. CAN. 871. The minister of this sacrament is solely the priest. CAN. 872. Besides the power of the order, for a valid absolution of sins, the minister requires the power of jurisdiction, whether ordinary or delegated, over the penitent. CAN. 873. § 1. Cardinals of the Holy Roman Church, besides the Roman Pontiff, possess ordinary jurisdiction for hearing confessions throughout the entire Church; for his own territory, the Ordinary of the place, and the parish priest, and others who are in the place of a parish priest. § 2. Canonically appointed confessors of churches, whether collegiate or otherwise, also enjoy this same jurisdiction, according to canon 401, § 1, and superiors of religious orders, exempt from ordinary jurisdiction, for their subjects, according to the constitutions. § 3. This jurisdiction ceases with the loss of office, according to canon 183, § 1, and, after a condemning or declaratory sentence, by excommunication, suspension from office, or interdict. CAN. 874. § 1. The Ordinary of the place in which confessions are heard confers delegated jurisdiction to receive the confessions of both secular and religious persons, both secular and religious priests, including those exempt from ordinary jurisdiction; however, religious priests must not use this jurisdiction without at least presumed permission from their superior, always subject to the prescription of canon 519. § 2. Ordinaries of places should not habitually grant this jurisdiction to religious persons who are not presented by their own superior; but they should not deny it to those who are presented by their own superior, unless for a grave reason, always subject to the prescription of canon 877. CAN. 875. § 1. In exempt religious orders for clerics, the superior also confers delegated jurisdiction to receive the confessions of professors, novices, and others, as mentioned in canon 514, § 1, according to the constitutions; to whom it is permitted to grant this even to priests of the secular clergy or of another religious order. § 2. In exempt religious orders for laypersons, the superior designates a confessor, who nevertheless must obtain jurisdiction from the Ordinary of the place in which the religious house is located. CAN. 876. § 1. Revoking any contrary particular law or privilege, both secular and religious priests, of whatever rank or office,

[*Latin ed. p. 179*]

Book Third - On Matters Concerning 179 The valid and lawful reception of the confessions of any religious order and of novices requires a special jurisdiction, except as prescribed in canon 239, § 1, n. 1, 522, 523. § 2. This jurisdiction is conferred by the local Ordinary, where the house of the religious is located, according to canon 525. CANON 877. § 1. Neither the local Ordinary nor the superiors of religious orders shall grant

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jurisdiction or permission to hear confessions, unless those who seek it have been found suitable through examination, unless it concerns a priest whose theological doctrine is known to be sound from elsewhere. § 2. If, after granting jurisdiction or permission, they reasonably doubt whether a priest previously approved by them is still suitable, they shall subject him to a new examination of doctrine, even if he is a parish priest or a canon penitentiary. CANON 878. § 1. The jurisdiction or permission to hear confessions may be granted with certain specific limitations. § 2. However, the local Ordinaries and the superiors of religious orders should take care not to unduly restrict the jurisdiction or permission without a reasonable cause. CANON 879. § 1. For confessions to be validly heard, a jurisdiction must be expressly granted, either in writing or verbally. § 2. Nothing can be demanded as a condition for the granting of jurisdiction. CANON 880. § 1. The local Ordinary or the superior of a religious order shall not revoke or suspend the jurisdiction or permission to hear confessions, except for a serious reason. § 2. However, for serious reasons, the Ordinary may also prohibit a parish priest or a canon penitentiary from exercising the office of confessor, subject to the right of appeal to the Apostolic See. § 3. However, it is not permitted for a Bishop, without the consultation of the Apostolic See, to deprive all confessors of a particular religious house of their jurisdiction at the same time, if it is a house that has been established. CANON 881. § 1. All priests of both the clergy who have been approved in a certain place to hear confessions, whether with ordinary or delegated jurisdiction, can also validly and lawfully absolve vagrants and pilgrims from another diocese or parish who come to them, as well as Catholics of any Eastern rite. § 2. Those who have the power to absolve in the ordinary manner can absolve subjects everywhere on earth. CANON 882. In the event of mortal danger, all priests, even those not approved to hear confessions, validly and lawfully absolve anyone who is contrite from any sins.

[*Latin ed. p. 180*]

180. The Code of Canon Law, concerning censures, even reserved and notorious ones, allows, provided that a priest approved for this purpose is present, except for the prescription of canon 884, 2252. CAN. 883. § 1. All priests undertaking a maritime journey may, provided they have duly received permission either from their own Ordinary, or from the Ordinary of the port in which they embark, or even from the Ordinary of any intervening port through which they pass during the journey, hear the confessions of any faithful traveling with them on the ship, throughout the entire journey, even if the ship is passing through or remains for some time in various places under the jurisdiction of different Ordinaries. § 2. Whenever the ship stops during the journey, confessions may be heard from those faithful who come to the ship for any reason, and from those who, having come ashore, request to confess and be validly and lawfully

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absolved, even from sins reserved to the Ordinary of the place. CAN. 884. Absolution in a sin of impurity is invalid, except in the danger of death; and even in the danger of death, except in a case of necessity, it is illicit on the part of the confessor, according to the apostolic constitutions and, in particular, the constitution of Benedict XIV, *Sacramentum Poenitentiae*, June 1, 1741. CAN. 885. Although the prayers, which the Church has added to the formula of absolution, are not necessary to obtain absolution itself, nevertheless, unless there is a just reason, they should not be omitted. CAN. 886. If the confessor has no doubt about the disposition of the penitent and the penitent requests absolution here, absolution must not be denied, nor delayed. CAN. 887. The confessor shall assign suitable and appropriate penances, according to the quality and number of sins and the condition of the penitent; which the penitent, with a willing spirit, should accept and fulfill himself. CAN. 888. § 1. The priest must remember that, in hearing confessions, he sustains the role of both judge and physician, and is constituted by God as minister both of divine justice and of mercy, so that he may promote divine honor and the salvation of souls. § 2. He must take care not to inquire about the name of the confessor, nor to detain anyone with curious or useless questions, especially concerning the sixth precept of the Decalogue, and especially not to question the younger ones about things they do not understand.

[*Latin ed. p. 181*]

Book Third - Concerning Matters 181 889. CAN. § 1. The sacramental seal is inviolable; therefore, the confessor must diligently take care not to reveal, in any way, by word or sign, or by any other means, and for any reason whatsoever, the penitent. § 2. Those bound by the obligation of maintaining the sacramental seal are also the interpreter and all others to whom knowledge of the confession has come in any way. 890. CAN. § 1. It is altogether forbidden to the confessor to use the knowledge acquired from the confession, to the detriment of the penitent, excluding even any danger of revelation. § 2. Neither superiors in office nor confessors who afterward become superiors may, in any way, use the knowledge they have of sins confessed in confession for external governance. 891. CAN. The master of novices and his associate, the superior of a seminary or college, must not hear the sacramental confessions of their students who reside with them in the same house, unless the students spontaneously request it for a serious and urgent reason in particular cases. CAN. 892. § 1. Rectors and others to whom the care of souls has been entrusted by the force of their office are bound by a grave obligation of justice to hear, either personally or through another, the confessions of the faithful entrusted to them, whenever they reasonably request to be heard. § 2. In cases of urgent necessity, all confessors are bound by charity to hear the confessions of the faithful, and in the danger of death, all priests. CHAPTER II. Concerning the reservation

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of sins. CAN. 893. § 1. Those who, by ordinary law, are permitted to hear confessions and to impose censures, can also, with the exception of the Vicarius Capitulari and the Vicarius Generali without a special mandate, reserve certain cases to their own judgment, limiting the power of inferiors to absolve. § 2. This reservation is called the reservation of cases. § 3. With regard to the reservation of censures, the prescription of canons 2246 and 2247 must be observed. CAN. 894. The only sin reserved to the Holy See by reason of its nature is false accusation, by which an innocent priest is accused of the crime of solicitation before ecclesiastical judges.

[*Latin ed. p. 182*]

182. Codex Iuris Canonici, CAN. 8, 9, 5. The Ordinary of a place shall not reserve sins, unless, after discussion in a diocesan synod, or outside the synod, having heard the cathedral chapter and a number of prudent and reputable pastors of souls in his diocese, the true necessity or utility of the reservation has been demonstrated.

CAN. 8, 9, 6. Among the Superiors of clerical religious institutes exempt from ordinary jurisdiction, the General Superior, and in monasteries of sui iuris, the Abbot, together with their respective councils, may reserve sins, as mentioned above, of their subjects, according to the firm prescription of canons 5, 1, 8 and 5, 1, 9.

CAN. 8, 9, 7. The cases for reservation shall be very few, namely, three, or at most, four, of the most serious and heinous external crimes specifically determined; and the reservation itself shall not remain in force longer than is necessary to eradicate some public and harmful vice, and to restore perhaps a Christian discipline that has collapsed.

CAN. 8, 9, 8. All shall abstain from reserving those sins which are already reserved to the Apostolic See, even by reason of censure, and regularly also from those for which a censure has been imposed by law, even if not reserved to anyone.

CAN. 8, 9, 9. § 1. Having once established reservations which they have judged to be truly necessary or useful, the Ordinaries of places shall take care to bring these to the knowledge of their subjects, in the best way they see fit, and they shall not grant the faculty of absolution to anyone indiscriminately.

§ 2. But this faculty of absolution belongs by law to the canonical penitentiary, according to canon 4, 0, 1, § 1, and it shall be habitually granted at least to vicars forane, with, especially in places of the diocese more remote from the episcopal see, the faculty of delegating it as often as the confessors of their district, if and when, for some urgent and specific case, they turn to them.

§ 3. By law, the pastors, or others who are considered in law as pastors, can absolve from the cases which, in any way, the Ordinary has reserved,

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during the time necessary to fulfill the Paschal precept, and individual missionaries can do so during the time that missions are being held for the people.

CAN. 900. Every reservation is without force: 1.° When confessions are heard, whether of the sick who are unable to leave their homes, or of those preparing to enter into marriage; 2.° Whenever the legitimate Superior denies the requested faculty of absolution for a specific case, or, by the prudent judgment of the confessor.

[*Latin ed. p. 183*]

Book Third - Concerning Matters 183. One may not request the power to absolve from a legitimate Superior without grave spiritual discomfort, or without the danger of violating the sacramental seal; 3. Outside the territory of the religious order, even if the penitent has departed from him solely to obtain absolution.

CHAPTER III. Concerning the Subject of the Sacrament of Penance.

CANON 901. He who, after baptism, has committed mortal sins which have not yet been directly remitted through the keys of the Church, ought to confess all those things of which he is conscious after diligent examination of himself, and to explain in confession the circumstances which change the nature of the sin.

CANON 902. Sins committed after baptism, whether mortal sins directly remitted by the power of the keys, or venial sins, are a sufficient, but not necessary, matter for the sacrament of penance.

CANON 903. Those who are unable to confess otherwise are not prohibited, if they wish, from confessing through an interpreter, taking care to avoid abuses and scandals, according to the firm prescription of canon 889, § 2.

CANON 904. In accordance with the apostolic constitutions, and especially the constitution *Sacramentum Poenitentiae* of Benedict XIV, June 1, 1741, the penitent must report to the local Ordinary, or to the Sacred Congregation of the Holy Office, within one month, any priest who, in confession, is guilty of the crime of solicitation; and the confessor must warn the penitent, burdened as he is by this conscience, about this burden.

CANON 905. It is the right of every faithful person to confess his sins to a legitimately approved confessor of any rite, whom he prefers.

CANON 906. Every person of either sex, after having reached the age of discretion, that is, the use of reason, is bound to faithfully confess all his sins at least once a year.

CANON 907. One does not satisfy the precept of confessing sins by mak-

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ing a sacrilegious confession, or one that is voluntarily invalid.

[*Latin ed. p. 184*]

184. Codex Iuris Canonici, CAPUT IV. De loco ad confessiones excipiendas.

CAN. 908. Sacramentalis confessionis proprius locus est ecclesia vel oratorium publicum aut semi-publicum.

CAN. 909. § 1. Sedes confessionalis ad audiendas mulierum confessiones semper collocetur in loco patenti et conspicuo, et generatim in ecclesia vel oratorio publico aut semi-publico mulieribus destinato.

§ 2. Sedes confessionalis crate fixa ac tenuiter perforata inter poenitentem et confessarium sit instructa.

CAN. 910. § 1. Feminarum confessiones extra sedem confessionalem ne audiantur, nisi ex causa infirmitatis aliave verae necessitatis et adhibitis cautelis quas Ordinarius loci opportunas iudicaverit.

§ 2. Confessiones virorum etiam in aedibus privatis excipere licet.

CAPUT V. De indulgentiis.

ART. I. — De indulgentiarum concessione.

CAN. 911. Omnes magni faciant indulgentias seu remissionem coram Deo poenae temporalis debitae pro peccatis, ad culpam quod attinet iam deletis, quam ecclesiastica auctoritas ex thesauro Ecclesiae concedit pro vivis per modum absolutionis, pro defunctis per modum suffragii.

CAN. 912. Praeter Romanum Pontificem, cui totius spiritualis Ecclesiae thesauri a Christo Domino commissa est dispensatio, ii tantum possunt potestate ordinaria indulgentias elargiri, quibus id expresse a iure concessum est.

CAN. 913. Inferiores Romano Pontifice nequeunt:

1.° Facultatem concedendi indulgentias aliis committere, nisi id eis a Sede Apostolica expresse fuerit indultum;

2.° Indulgentias concedere defunctis applicabiles;

3.° Eidem rei seu actui pietatis vel sodalitio, cui iam a Sede Apostolica vel ab alio indulgentiae concessae sint, alias adiungere, nisi novae conditiones adimplendae praescribantur.

[*Latin ed. p. 185*]

Book Third - Concerning Canon Law.

CAN. 185 9.14. Bishops may, within their respective dioceses, grant the papal blessing with a plenary indulgence, according to the prescribed formula, twice a year, that is, on the solemn feast of Easter and on another solemn feast chosen by themselves, even if they themselves only attend the solemn Masses; Abbots or Prelates of null rank, however, cannot. Vicars and Apostolic Prefects, although lacking the episcopal dignity, may do so

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within their territories, on only one of the more solemn days of the year.

CAN. 9 1 5. Regular Canons who have the privilege of granting the papal blessing are not only bound by the obligation to observe the prescribed formula, but they may not exercise this privilege except in their own churches and in the churches of nuns or of tertiaries legitimately aggregated to their Order; nor may they do so on the same day and in the same place as the Bishop.

CAN. 916. Bishops, Abbots, or Prelates of null rank, Vicars, and Apostolic Prefects, and Superiors Major of clerical religious orders exempt, may designate and declare one altar as a perpetual, privileged altar for daily use, provided that another is not already designated, in their cathedral, abbatial, collegiate, conventual, parochial, or quasi-parochial churches, but not in public or semi-public chapels, unless they are united to a parochial church or are its subsidiary.

CAN. 917. § 1. On the Commemoration of All Faithful Departed, all Masses enjoy the privilege as if they were celebrated at a privileged altar.

§ 2. All altars of the church enjoy this privilege on those days on which the Forty Hours devotion is held therein.

CAN. 918. § 1. To indicate that an altar is privileged, nothing else need be inscribed, except: "privileged altar, perpetual or temporary, daily or not," according to the terms of the concession.

§ 2. For Masses celebrated at a privileged altar, a larger offering than usual may not be demanded under the pretext of the privilege.

CAN. 919. § 1. New indulgences, even those granted to the churches of Regular Canons, which have not been promulgated in Rome, must not be dispensed without the consent of the local Ordinary.

§ 2. In publishing books, pamphlets, etc., in which concessions of indulgences for various prayers or pious works are listed, the prescription of canon 1388 must be observed.

CAN. 920. Those who have obtained from the Supreme Pontiff concessions of indulgences for all the faithful are bound by the obligation, under penalty of nullity of the grace,

[*Latin ed. p. 186*]

186 The Code of Canon Law provides for the presentation of authentic copies of these concessions to the Sacred Penitentiary.

CAN. 921. § 1. A plenary indulgence granted for the feasts of Our Lord Jesus Christ or for the feasts of the Blessed Virgin Mary is understood to be granted only for those feasts which are found in the universal calendar.

§ 2. A plenary or partial indulgence granted for the feasts of the Apostles is understood to be granted only for their feast day.

§ 3. A plenary indulgence granted as a daily, perpetual, or temporary

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indulgence for visiting a church or public oratory is to be understood as being able to be acquired by each faithful person on any day, but only once in the year, unless otherwise expressly stated in the decree.

CAN. 922. Indulgences attached to feasts or to sacred supplications or novenas, septenaries, or triduums, which are performed before or after a feast, or even during its octave, are transferred to the day on which such a feast is legitimately transferred, if the transferred feast has the office with Mass without solemnity and external celebration, and the transfer is made permanently, or if it is transferred either temporarily or permanently, the solemnity and external celebration.

CAN. 923. To gain an indulgence attached to a particular day, if a visit to a church or oratory is required, this can be done from noon on the preceding day until midnight on the day that closes the designated day.

CAN. 924. § 1. In accordance with canon 75, indulgences attached to a particular church do not cease if the church is completely destroyed and rebuilt within fifty years in the same or nearly the same place and under the same title.

§ 2. Indulgences attached to rosaries or other objects cease only when the rosaries or other objects completely cease to exist or are sold.

ART. II. — Concerning indulgences to be acquired.

CAN. 925. § 1. In order for someone to be capable of gaining indulgences, he must be baptized, not excommunicated, and in a state of grace, at least at the end of the prescribed works, and subject to the one granting the indulgence.

§ 2. In order for the subject to truly gain them, he must have at least a general intention of acquiring them and must perform the prescribed works at the appointed time and in the proper manner, according to the terms of the concession.

CAN. 926. A plenary indulgence is understood to be granted in such a way that if one is not able to fully gain it, he may nevertheless gain it partially, according to his disposition.

[*Latin ed. p. 187*]

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CAN. 9. Those who are subject to the jurisdiction of the Bishop, whether residing outside the territory, or pilgrims, wanderers, and all who are exempt and residing within the territory, can gain the indulgences granted by the Bishop, unless something else appears from the terms of the concession.

CAN. 928. § 1. A plenary indulgence, unless otherwise expressly stipulated, can be acquired only once a day, even if the same prescribed work is performed more than once.

§ 2. A partial indulgence, unless the contrary is expressly noted, can be

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gained more frequently during the day, by repeating the same work.

CAN. 929. Both men and women who, through a desire for perfection or for the sake of instruction or education, or even for health reasons, live in houses, churches, or public chapels, with the consent of the Ordinaries, and all those who reside there to minister to them, may visit their own chapel, in which they can fulfill the obligation of hearing Holy Mass, as often as visiting a church or public oratory is prescribed for gaining indulgences, provided that they duly perform the other prescribed works.

CAN. 930. No one who gains indulgences can apply them to others who are still living; but all indulgences granted by the Roman Pontiff, unless otherwise stated, are applicable to the souls detained in Purgatory.

CAN. 931. § 1. For gaining any indulgences, confession is required to be made within eight days immediately preceding the day to which the indulgence was attached; Communion is required on the vigil of the same day; and both can also be made within the entire subsequent octave.

§ 2. Likewise, for gaining indulgences granted for pious exercises conducted over a triduum, a week, etc., confession and Communion can also be made within the octave immediately following the completion of the exercise.

§ 3. All the faithful, unless they are legitimately hindered, may gain all indulgences, even without an actual confession, which would otherwise be necessary for gaining them, except for ordinary and extraordinary indulgences, or those granted in the manner of a jubilee, if they are accustomed to approach the sacrament of Penance at least twice a month, or to receive Holy Communion daily in the state of grace and with a right and pious intention, even if they abstain from it once or twice during the week.

CAN. 932. An indulgence cannot be gained by performing a work to which one is obligated by law or precept, unless something else is expressly stated in the concession itself.

[*Latin ed. p. 188*]

Codex Iuris Canonici 188, qui tamen ad sacramentalem poenitentiam imponitur et indulgentiis fortasse auctum est, potest simul et poenitentiae satisfacere et indulgentias adipisci.

CAN. 933. Plures indulgentiae ex variis titulis possunt adnexae esse ad unam eandemque rem vel locum; sed ad unum eundemque opus, cui ex variis titulis indulgentiae adnexae sunt, non possunt plures acquiri indulgentiae, nisi opus requiratur confessio vel communio, aut nisi aliter expressum sit.

CAN. 934. § 1. Ad lucrandas indulgentias, oratio in genere ad mentem Summi Pontificis praescribatur; oratio mentalis tantum non sufficit; oratio autem vocalis potest arbitrio fidelium eligi, nisi aliqua peculiaris assignetur.

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§ 2. Si peculiaris oratio assignata fuerit, indulgentiae acquiri possunt quocunque idiomate oratio recitatur, dummodo de fidelitate versionis constet ex declaratione vel Sacrae Poenitentiariae vel unius ex Ordinariis loci ubi vulgaris est lingua in quam vertitur oratio; sed indulgentiae penitus cessant ob quamlibet additionem, detractionem, vel interpolationem.

§ 3. Ad indulgentiarum acquisitionem, satis est orationem alternis cum socio recitare, aut mente eam prosequi, dum ab alio recitatur.

CAN. 935. Pia opera ad lucrandas indulgentias injuncta, confessarii possunt in alia commutare pro iis qui, legitimo impedimento, eadem praestare nequeant.

CAN. 936. Muti lucrari possunt indulgentias adnexas publicis precibus, si una cum ceteris fidelibus in eodem loco orantibus mentem ac pios sensus ad Deum attollant; et si agatur de privatis orationibus, satis est ut eas mente recolant signisve effundant vel tantummodo oculis percurrant.

TITULUS V. De extrema unctione.

CAN. 937. Sacramentum extremae unctionis conferri debet per sacras unctiones, adhibito oleo olivarum rite benedicto, et per verba in ritualibus libris ab Ecclesia probatis praescripta.

CAPUT I. De ministro extremae unctionis.

CAN. 938. § 1. Hoc sacramentum valide administrat omnis et solus sacerdos.

§ 2. Salvo praescripto can. 397, n. 3, 514, minister ordinarius est parochus loci, in quo degit infirmus; in casu autem necessitatis, vel de S.

[*Latin ed. p. 189*]

Book Third - Concerning Matters 189. With the reasonable presumption, at least, of the license of the parish priest or the local Ordinary, any priest whatsoever can administer this sacrament. CAN. 939. The ordinary minister is bound by justice to administer this sacrament either by himself or through another, and in cases of necessity, any priest out of charity. CHAPTER II. Concerning the Subject of Extreme Unction. CAN. 940. § 1. Extreme Unction cannot be given except to a faithful person who, after having attained the use of reason, is in danger of death due to infirmity or old age. § 2. In the same infirmity, this sacrament cannot be repeated, unless the sick person, after having received the unction, recovers and is exposed to another danger of life. CAN. 941. When there is doubt whether the sick person has attained the use of reason, whether he is actually in danger of death, or whether he is dead, this sacrament should be administered conditionally. CAN. 942. This sacrament is not to be given to those who, impenitent, stubbornly persevere in manifest mortal sin; but if this is doubtful, it should be given conditionally. CAN. 943. However, to the sick who, being of sound mind, have at least implicitly requested it, or who would probably have requested it, even if they have subsequently lost

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their senses or the use of reason, it should nevertheless be given absolutely. CAN. 944. Although this sacrament is not of itself a necessary means to salvation, it is not permitted to anyone to neglect it; and every effort and diligence should be made to ensure that the sick, while fully of sound mind, receive it. CHAPTER III. Concerning the Rites and Ceremonies of Extreme Unction. CAN. 945. The oil of olives, to be used in the sacrament of Extreme Unction, must be blessed for this purpose by the Bishop, or by a priest who has obtained from the Apostolic See the faculty to bless it. CAN. 946. The parish priest should carefully keep the oil for the sick in a clean and decently adorned place, in a silver or tin vessel, and should not keep it at home except according to canon 735.

[*Latin ed. p. 190*]

190 Code of Canon Law, CANON 947. § 1. The unctions must be performed accurately, with the words, order, and manner prescribed in the ritual books; but in cases of necessity, a single unction on one sense, or rather, on the forehead, with the prescribed shorter formula, suffices, provided that the obligation of performing the individual unctions remains, unless the danger has ceased. § 2. The unction of the loins is always to be omitted. § 3. The unction of the feet may be omitted for any reasonable cause. § 4. Outside of cases of grave necessity, the unctions are to be performed by the minister's own hand, without the use of any instrument.

TITLE V. Concerning the Order. CANON 948. The Order, by Christ's institution, distinguishes clerics from the laity in the Church, for the governance of the faithful and for the ministry of divine worship. CANON 949. In the canons that follow, the terms "major orders" or "sacred orders" refer to the presbyterate, diaconate, and subdiaconate; the terms "minor orders" refer to the acolyte, exorcist, lector, and doorkeeper. CANON 950. In the law, the words: "to ordain," "order," "ordination," "sacred ordination," include, besides the episcopal consecration, the orders enumerated in canon 949, and also the first tonsure, unless something else is understood from the nature of the thing or from the context of the words.

CHAPTER I. Concerning the Minister of Holy Orders. CANON 951. The ordinary minister of holy orders is a consecrated Bishop; the extraordinary minister is one who, although lacking the episcopal character, has received from the law or from the Apostolic See a special permission to confer some of the orders. CANON 952. No one is permitted to promote a cleric who has been ordained by the Roman Pontiff to a higher order without the permission of the Apostolic See. CANON 953. Episcopal consecration is reserved to the Roman Pontiff, so that no Bishop is permitted to consecrate anyone as a Bishop, unless it is first known that he has a pontifical mandate.

[*Latin ed. p. 191*]

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CAN. 191 954. The consecrating Bishop must add two other Bishops to assist him in the consecration, unless dispensation has been granted in this matter by the Apostolic See.

C A N. 955. § 1. Each one must be ordained by his own Bishop, either with the legitimate letters of dismissal from him.

§ 2. The proper Bishop, not being hindered by a just cause, may himself ordain his subjects; but a subject of the Eastern rite, without an apostolic indult, cannot lawfully ordain.

C A N. 956. The proper Bishop, with regard to the ordination of secular clergy, is only the Bishop of the diocese in which the person to be promoted has his domicile, along with his origin, or a simple domicile without origin; but in the latter case, the person to be promoted must confirm his intention of remaining permanently in the diocese by an oath, unless it concerns the promotion to the clerical orders who are already incardinated in the diocese by the first tonsure, or the promotion of a student who is destined for service in another diocese, according to canon 969, § 2, or the promotion of a religious who has made profession.

C A N. 957. § 1. A Vicar Apostolic and a Prefect Apostolic, an Abbot or a Prelate nullius, if they possess the episcopal character, are equal to the diocesan Bishop with regard to ordination.

§ 2. If they lack the episcopal character, they nevertheless can, within their own territory and only during the time of their office, confer the first tonsure and the minor orders, both on their own secular subjects, according to canon 956, and on others who exhibit the legitimately required letters of dismissal; any ordination performed by them outside of these limits is invalid.

C A N. 958. § 1. Letters of dismissal for secular clergy can be given by: 1.° The proper Bishop, after he has legitimately taken possession of his diocese, according to canon 334, § 3, even if he has not yet been consecrated; 2.° The General Vicar, but only by a special mandate of the Bishop; 3.° With the consent of the Chapter, the Capitular Vicar after a year from the vacancy of the see; but within a year, only for reasons strictly related to the acceptance or the receiving of a benefice, or for the reason of a certain office for which provision must be made for the diocese without delay; 4.° A Vicar Apostolic and a Prefect Apostolic, an Abbot or a Prelate nullius, even if they lack the episcopal character, can also give letters for the higher orders.

§ 2. The Capitular Vicar must not grant letters of dismissal to those who have been rejected by the Bishop.

[*Latin ed. p. 192*]

192. Code of Canon Law, Canon 959. He who can grant letters of dispensation for the reception of orders can also, himself, confer those same orders, provided he possesses the necessary authority of the order.

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Canon 960. § 1. Letters of dispensation shall not be granted unless all the testimonies previously required by law have been obtained, according to canons 993-1000.

§ 2. If, after the letters of dispensation have been granted by the Ordinary, new testimonies are required according to canon 994, § 3, the foreign Bishop shall not proceed to ordain until he has received the same.

§ 3. If the person to be promoted has spent a sufficient time in the diocese of the ordaining Bishop to remove any impediment according to the aforementioned canon 994, the Bishop shall directly collect the testimonies.

Canon 961. Letters of dispensation can be sent by the proper Bishop, even by a Cardinal Bishop of a suburbicarian see, to any Bishop who maintains communion with the Apostolic See, except in the case of a Bishop of a different rite from that of the person being promoted.

Canon 962. Any Bishop, having received legitimate letters of dispensation, may lawfully ordain a subject from another diocese, provided that he has no doubt whatsoever concerning the authenticity of the letters, with the exception of the provision of canon 994, § 3.

Canon 963. Letters of dispensation can be limited or revoked by the one who granted them, or by his successor, but once granted, they are not extinguished by the resolution of the law of the giver.

Canon 964. Concerning the ordination of religious:

1.° The abbot regular, even though without a territory of his own, can confer the first tonsure and the minor orders, provided that the person to be promoted is subject to him by the bond of profession, at least in a simple form, and that the abbot himself is a priest and has legitimately received the abbatial blessing. Outside of Fismes, any ordination conferred by him is invalid, unless the ordaining person possesses the episcopal character, with any contrary privilege revoked.

2.° Religious who are exempt from any diocesan Bishop may lawfully receive the major orders without letters of dispensation from their superior major.

3.° Superiors of those making simple vows, of whom mention is made in canon 574, can grant letters of dispensation only for the first tonsure and the minor orders.

4.° The ordination of all other students of any religious order is governed by the law of the laity, with any indulgence granted by the superiors to give letters of dispensation for the major orders to those making temporary vows, revoked.

[*Latin ed. p. 193*]

Book Third - Concerning Matters 193. Canon 96. The Bishop to whom the religious Superior must send the letters of dismissal is the Bishop of the diocese in which the religious house is located, to whose jurisdiction the one

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being ordained belongs. Canon 96. § 1. The religious Superior can only send the letters of dismissal to another Bishop if the diocesan Bishop has given permission, or if the other Bishop is of a different rite, or if he is absent, or if he will not be able to hold the ordinations at the next lawful time, according to canon 1006, § 2, or finally, if the diocese is vacant and is not governed by one who possesses the episcopal character. § 2. It is necessary that in each case, this be known to the Bishop who is to ordain, from an authentic testimony of the episcopal curia. Canon 96. Let religious Superiors beware lest they send a subject to be ordained to another religious house in order to defraud the diocesan Bishop, or lest they postpone the granting of the letters of dismissal until such a time as the Bishop is about to leave, or will not be holding any ordinations. CHAPTER II. Concerning the subject of sacred ordination. Canon 96. § 1. Only a baptized man can validly receive sacred ordination; but lawfully, he who, according to the sacred canons, possesses the necessary qualities, and has been judged to be so by his own Ordinary, and who is not subject to any irregularity or other impediment. § 2. Those who are subject to an irregularity or other impediment are prohibited from exercising the orders they have received, even after ordination, even if the impediment arose without their own fault. Canon 96. § 1. No one from the secular clergy shall be ordained if, in the judgment of his own Bishop, he is not necessary or useful to the churches of the diocese. § 2. However, the Bishop is not prohibited from promoting his own subject, who is destined for service in another diocese in the future, after a lawful excardination and incardination. Canon 97. The proper Bishop or the religious Superior may, for any canonical reason, even a hidden one, even extrajudicially, deny his clerics advancement to the orders, saving the right of appeal to the Holy See, or even to the General Superior, if the advancement has been denied by the Provincial Superior, in the case of religious. ACTS, vol. IX, Part II. 13.

[*Latin ed. p. 194*]

194 Code of Canon Law, CAN. 971. It is forbidden in any way, for any reason, to compel anyone to enter the clerical state, or to prevent him from being canonically admitted to it.

CAN. 972. § 1. Care must be taken that those aspiring to the sacred orders be received into the seminary from a young age; but all are to remain there for at least the entire course of sacred theology, unless the Ordinary, for peculiar reasons, and with a grave cause, weighing heavily on his conscience, grants a dispensation.

§ 2. Those who aspire to the orders and who legitimately reside outside the seminary are to be entrusted to a pious and suitable priest, who will watch over them and instruct them in piety.

ARTICLE I. — Concerning the requirements in the person to be ordained.

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CAN. 973. § 1. The first tonsure and the minor orders are to be conferred only upon those who have the intention of advancing to the priesthood, and whom it is fitting to judge as worthy of becoming priests.

§ 2. However, a cleric who refuses to receive the higher orders cannot be compelled by the Bishop to receive them, nor can he be forbidden from exercising the functions of those who have received the orders, unless some other canonical impediment or a grave cause, according to the judgment of the Bishop, prevents him.

§ 3. The Bishop shall not confer the sacred orders upon anyone unless he is morally certain from positive arguments of his canonical suitability; otherwise, he not only commits a most grievous sin, but also exposes himself to the danger of communicating the sins of others.

CAN. 974. § 1. In order that someone may be lawfully ordained, the following are required: 1.° Reception of the sacrament of Confirmation; 2.° Manners suitable for receiving the order; 3.° The canonical age; 4.° Due knowledge; 5.° Reception of the lower orders; 6.° Observance of the intervals; 7.° A canonical title, if it concerns the higher orders.

§ 2. With regard to the episcopal consecration, the prescription of can. 331 is to be observed.

CAN. 975. The subdiaconate shall not be conferred before the completion of the twenty-first year; the diaconate before the completion of the twenty-second year; the priesthood before the completion of the twenty-fourth year.

CAN. 976. § 1. No one, whether secular or religious, shall be promoted to the first tonsure before the beginning of the theological course.

[*Latin ed. p. 195*]

Book Third - On Matters 195 § 2. According to the firm prescription of canon 975, the subdiaconate ought not to be conferred unless at the end of the third year of theological studies; the diaconate, unless at the beginning of the fourth year; the priesthood, unless after the middle of that same fourth year. § 3. The course of theological studies must be completed not privately, but in schools established for that purpose, according to the order of studies determined by canon 1365. CANON 977. The orders are to be conferred gradually, so that ordinations by leaps are altogether prohibited. CANON 978. § 1. In ordinations, intervals of time must be observed in which those promoted to the received orders, according to the prescription of the Bishop, may exercise themselves. § 2. The intervals between the first tonsure and the ostiariate, or between the individual minor orders, are entrusted to the prudent judgment of the Bishop; and the acolyte to the subdiaconate, the subdeacon to the diaconate, and the deacon to the priesthood, ought not to be promoted before the acolyte has spent at least one year, the subdeacon and the deacon at least three months in their respective

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orders, unless necessity or the good of the Church, according to the judgment of the Bishop, demands otherwise. § 3. Never, however, unless with a special permission from the Roman Pontiff, may the minor orders and the subdiaconate, or two of the sacred orders, be conferred on the same day, a contrary custom being rejected; indeed, it is not permitted to confer the first tonsure together with any of the minor orders, nor all the minor orders together. CANON 979. § 1. For secular clerics, a canonical title is a title of a benefice, and in its absence, of a patrimony or pension. § 2. This title must be both truly secure for the entire ordained life, and truly sufficient for its proper support, according to the norms to be given by the Ordinaries for the various needs of places and times. CANON 980. § 1. A cleric ordained in the sacred orders, if he loses his title, must provide himself with another, unless, according to the judgment of the Bishop, provision has otherwise been made for his proper support. § 2. Those who, without an apostolic indult, have knowingly ordained someone in the sacred orders without a canonical title, or have permitted it, must provide the necessary sustenance to him and his successors, until provision has otherwise been made for his proper support. § 3. If a Bishop ordains someone without a canonical title with the agreement that the ordained person will not ask for sustenance from him, this agreement is void. CANON 981. § 1. If none of the titles mentioned in canon 979, § 1, are available, it can be supplemented by a title of service to the diocese, and, in places of the Sacred Congregation-

[*Latin ed. p. 196*]

196. The Code of Canon Law, concerning those subject to the obligations of religious life, under the title of "Mission," stipulates as follows, but with the proviso that, after taking an oath, the individual must perpetually dedicate himself to the service of the diocese or mission, under the authority of the Ordinary of the place for the time being. § 2. The Ordinary must grant to the priest, whom he promotes to a position of service to the Church or to a mission, a benefice, office, or subsidy, sufficient for his proper support.

CAN. 982. § 1. For religious, the canonical title is either a solemn religious profession or, as it is called, the title of poverty. § 2. For religious who have taken simple, perpetual vows, the title is that of common table, or a similar institution, according to the constitutions. § 3. Other religious, even with regard to the title of ordination, are governed by the laws of the seculars.

ARTICLE II. — Concerning irregularities and other impediments.

CAN. 983. No perpetual impediment arising from the name of irregularity, whether due to a defect or a fault, is incurred, except that which is expressly stated in the canons that follow.

CAN. 984. The following are irregular by defect: 1.° Illegitimate persons, whether the illegitimacy is public or hidden, unless they have been legitimized or have made solemn vows; 2.° Those who are physically defective, who, either because of weakness or decently because of deformity, are un-

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able to perform the duties of the altar. However, a more serious defect is required to prevent the legitimate exercise of the order received; and for this defect, acts that can be properly performed are not prohibited; 3.° Those who are epileptic, or insane, or possessed by a demon, or have been so; but if such persons, after having received the orders, become such and it is certain that they are now free, the Ordinary can permit those who have legitimately received the orders to exercise their ministry again; 4.° Bigamists, that is, those who have successively contracted two or more valid marriages; 5.° Those who are noted by legal infamy; 6.° A judge who has pronounced a sentence of death; 7.° Those who have undertaken the office of executioner, and their voluntary and immediate ministers in the execution of a capital sentence.

CAN. 985. The following are irregular by fault: 1.° Those who have apostatized from the faith, heretics, and schismatics; 2.° Those who, except in a case of extreme necessity, have received baptism in any way from non-Catholics; 3.° Those who have dared to attempt marriage or to perform a civil act, or who themselves are bound by marriage, or by a sacred order, or by vows.

[*Latin ed. p. 197*]

Book Third - Concerning Matters 197 related to religious matters, even those simple and temporary, or those bound to a woman by the same vows, or validly joined in marriage; 4.° Those who have committed voluntary homicide or procured an abortion of the human fetus, with the effect achieved, and all who cooperate in such acts; 5.° Those who have mutilated themselves or others, or who have attempted to take their own lives; 6.° Clerics exercising the medical or surgical art, which is forbidden to them, if death results therefrom; 7.° Those who perform an act reserved to the order, for clerics established in the sacred order, or those who lack such an order, or who are prohibited by canonical or personal, medicinal, or vindicative, or local law from exercising it.

CAN. 986. These delicts do not produce irregularity, unless they are grave sins, committed after baptism, except as prescribed in can. 985, n. 2, and also if they are external, whether public or hidden.

CAN. 987. The following are simply impeded: 1.° Children of non-Catholics, as long as their parents remain in their error; 2.° Men who have a wife; 3.° Those who hold an office or administration forbidden to clerics, to whom they are accountable, until, having relinquished the office and administration and having given an account, they are freed; 4.° Servants under proper servitude, before receiving freedom; 5.° Those who are bound by military service by civil law, before they have fulfilled it; 6.° Neophytes, until, by the judgment of the Ordinary, they have been sufficiently proven; 7.° Those who are laboring under infamy, as long as such infamy persists, by the judgment of the Ordinary.

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CAN. 988. Ignorance of irregularities, whether arising from a delict or from a defect and impediments, does not excuse.

CAN. 989. Irregularities and impediments are multiplied by different causes, but not by the repetition of the same cause, unless it concerns an irregularity arising from voluntary homicide.

CAN. 990. § 1. It is permitted to Ordinaries, either by themselves or through their subordinates, to grant dispensations from all irregularities arising from hidden delicts, except those mentioned in can. 985, n. 4, or those brought before the judicial forum.

§ 2. The same power belongs to any confessor in more urgent cases of hidden matters, in which the Ordinary cannot be reached, and in which there is a danger of serious harm or infamy, but only for the purpose that the penitent may lawfully exercise the orders already received.

[*Latin ed. p. 198*]

198. Codex Iuris Canonici 991. CANON. § 1. In precibus pro dispensatione ab irregularitatibus et impedimentiis, omnes irregularitates et impedimenta indicari debent; alioquin dispensatio generalis, etsi valebit quidem etiam pro casibus bona fide, exceptis illis quae in can. 990, § 1 excepta sunt, non autem valebit pro casibus in mala fide. § 2. Si agatur de irregularitate ex homicidio voluntario, etiam numerus delictorum exprimendus est sub poena nullitatis concedendae dispensationis. § 3. Dispensatio generalis ad ordines valet etiam pro ordinibus maioribus; et dispensatus potest obtinere beneficia non consistorialia etiam curata, sed renuntiare non potest Sanctae Romanae Ecclesiae Cardinalis, Episcopus, Abbas vel Praelatus nullius, Superior maior in religione clericali exempta. § 4. Dispensatio, in foro interno non sacramentali concessa, scripto consignetur; et de ea in secreto Curiae libro constare debet. CAPUT III. De iis quae sacrae ordinationi praeire debent. CANON. 992. Omnes, tunc saeculares tum religiosi, ad ordines promovendi per se ipsi vel per alios Episcopo aliive qui Episcopi hac in re vices geras, suum propositum ante ordinationem opportuno tempore aperiant. CANON. 993. Promovendi saeculares aut religiosi qui, quod pertinet ad ordinationem, saecularium iure reguntur, afferant: 1.° Testimonium ultimae ordinationis aut, si de prima tonsura agatur, recepti baptismatis et confirmationis; 2.° Testimonium de peractis studiis, pro singulis ordinibus, ad normam can. 976, requisitis; 3.° Testimonium rectoris Seminarii, aut sacerdotis cui candidatus extra Seminarium commendatus fuerit, de bonis eiusdem candidati moribus; 4.° Testimoniales litteras Ordinarii loci in quo promovendus tantum temporis moratus est ut canonicum impedimentum contrahere ibi potuerit; 5.° Testimoniales Superioris maioris religiosi, si cui religioni promovendus adscriptus sit. CANON. 994. § 1. Tempus quo promovendus potuit canonicum impedimentum contrahere est, regulariter, pro militibus trimestre, pro aliis semestre post pubertatem; sed Episcopus ordinans pro sua prudentia exigere potest litteras testimoniales etiam ob

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brevius commorationis tempus, et ob tempus quoque quod pubertatem antecessit.

[*Latin ed. p. 199*]

Book Third - Concerning Matters 199 I 2. If the Ordinary of the place, either by himself or through others, does not sufficiently know the candidate to be able to testify that, during the time he resided in his territory, he did not contract any canonical impediment, or if the candidate has wandered through so many dioceses that it becomes impossible or excessively difficult to obtain all the necessary testimonial letters, the Ordinary shall provide that at least a supplementary oath be given by the candidate. § 3. If, after obtaining the testimonial letters and before the completion of the ordination, the candidate resides again for the same period of time in the same territory, new testimonial letters from the Ordinary of the place are necessary. CAN. 995. § 1. The religious Superior, in his letters of dismissal, must not only testify that the candidate has entered religious life and is a member of the religious house subject to him, but also concerning the studies completed, and regarding other matters required by law. § 2. The Bishop, having received these letters of dismissal, does not require other testimonial letters. CAN. 996. § 1. Every candidate, whether secular or religious, must undergo a prior and diligent examination concerning the order he is to receive. § 2. Those being prepared for the sacred orders also run a risk in other discussions concerning sacred theology. § 3. It is the duty of the Bishops to determine by what method, before which examiners, and in which discussions of sacred theology, those being prepared should undergo this examination. CAN. 997. § 1. This examination is received by the Ordinary of the place who, by his own right, ordains, or who grants the letters of dismissal; who, however, may also, for a just cause, entrust it to the Bishop who is to ordain, if he is willing to undertake this task. § 2. A Bishop ordaining a subject, whether secular or religious, with legitimate letters of dismissal, in which it is asserted that the candidate has been examined according to § 1, and has been found suitable, may accept this testimony, but is not obliged to do so; and if, according to his conscience, he judges the candidate to be unsuitable, he should not promote him. CAN. 998. § 1. The names of those being prepared for each of the sacred orders, except for religious who have taken perpetual, solemn, or simple vows, shall be publicly announced in the parish church of each candidate; but the Ordinary, according to his prudence, may, for a just cause, dispense from this publication, or may order that it be carried out in other churches as well, or may substitute for the publication a public notice affixed to the doors of the church for several days, in which at least one day of solemnity is included. § 2. The publication shall be made on a day of precept in the church during the solemnities of the Masses, or on another day and hour

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when a greater number of people are present in the church.

[*Latin ed. p. 200*]

Codex Iuris Canonici § 3. Si candidatus intra sex menses non promovetur, publicatio renovetur, nisi aliter Ordinario videatur. CAN. 999. Omnes fideles tenentur obligatione impedimenta ad sacros ordines, si quae cognoverint, Ordinario vel parrocho ante sacram ordinationem revelandi. CAN. 1 0 0 0 . § 1. Parrochus qui publicationem peragit, et etiam alii, si id expedire videatur, Ordinarius committat ut de ordinandorum moribus et vita a fide dignis diligenter exquirat, et litteras testimoniales, ipsam investigationem et publicationem referentes, ad Curiam transmittat. § 2. Idem Ordinarius alias percontationes etiam privatas, si id necessarium aut opportunum iudicaverit, facere ne omittat. CAN. 1 0 0 1 . § 1. Qui ad primam tonsuram et ordines minores promovendi sunt, spiritualibus exercitiis per tres saltem integros dies; qui vero ad ordines sacros, saltem per sex integros dies vacent; sed si qui, intra semestre, ad plures ordines maiores promovendi sint, Ordinarius potest exercitiorum tempus pro ordinatione ad diaconatum reducere, non tamen infra tres integros dies. § 2. Si, expletis exercitiis, sacra ordinatio qualibet de causa ultra semestre differatur, exercitia iterentur; secus iudicet Ordinarius utrum iteranda sint, necne. § 3. Haec spiritualia exercitia religiosi peragant in propria domo vel in alia de prudenti Superioris arbitrio; saeculares vero in Seminario, aut in alia pia vel religiosa domò ab Episcopo designata. § 4. De peractis spiritualibus exercitiis Episcopus certior fiat testimonio Superioris domus, in qua peracta fuerint; vel, si de religiosis agatur, attestatione proprii Superioris maioris. CAPUT IV. De ritibus et caeremoniis sacrae ordinationis. CAN. 1 0 0 2 . In quovis conferendo ordine, minister proprios ritus in Pontificali Romano aliisve ritualibus libris ab Ecclesia probatis descriptos, adamussim servet, quos nulla ratione licet praeterire vel invertere. CAN. 1 0 0 3 . Missa ordinationis vel consecrationis episcopalis semper debet ab ipsomet ordinationis vel consecrationis ministro celebrari. CAN. 1 0 0 4 . Si quis, ritu orientali ad aliquos ordines iam promotus, a Sede Apostolica indultum obtinuerit superiores ordines suscipiendi ritu latino, debet prius ritu latino recipere ordines quos ritu orientali non receperit.

[*Latin ed. p. 201*]

Book Third - Concerning Matters 201. CANON 1005. Those promoted to the higher orders are bound by the obligation to receive the Holy Communion in the very Mass of their ordination. CHAPTER V. Concerning the time and place of Holy Orders. CANON 1006. § 1. The episcopal consecration must be conferred within the solemnity of the Mass, on a Sunday or on the feast day of the Apostles. § 2. The lower orders are to be celebrated in the solemnities of the Mass on the Saturdays of the Four Seasons, on

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the Saturday before the Sunday of the Passion, and on Holy Saturday. § 3. However, if a serious reason intervenes, the Bishop may also hold them on any Sunday or on a feast day of precept. § 4. The first tonsure may be conferred on any day and hour; the lower orders on each Sunday and on double feasts, but in the morning. § 5. The custom contrary to the times for ordinations prescribed in the preceding paragraphs is to be condemned; and these must also be observed, when a Bishop of the Latin rite ordains a cleric of the Eastern rite, or vice versa, by apostolic indult. CANON 1007. Whenever an ordination is to be repeated, or some rite is to be supplemented, whether absolutely or conditionally, this can also be done outside the prescribed times and in secret. CANON 1008. A Bishop, outside his own territory, may not confer orders, in which pontifical functions are exercised, without the license of the local Ordinary, unless the prescription of canon 239, § 1, n. 15, is observed. CANON 1009. § 1. General ordinations are to be celebrated publicly in the cathedral church, with the canonical chapter present; if, however, in another place in the diocese, a church more suitable, as far as possible, is chosen, with the presence of the local clergy. § 2. However, it is not prohibited for a Bishop, if a just reason suggests, to hold particular ordinations in other churches as well, and also in the oratory of the episcopal residence, or of the seminary, or of a religious house. § 3. The first tonsure and the lower orders may also be conferred in private oratories.

[*Latin ed. p. 202*]

Codex Iuris Canonici, CAPUT VI. De adnotatione ac testimonio peractae ordinationis.

CAN. 1010. § 1. Postquam ordinatio perfecta est, nomina singulorum ordinatorum et ministri ordinantis, locus et dies ordinationis, notentur in libro speciali in Curia loci ordinationis diligenter custodiendo, et omnia documenta singularum ordinationum accurate serventur.

§ 2. Singulis ordinatis detur authenticum testimonium ordinationis receptae; qui, si ab Episcopo extraneo cum litteris dimissoriis promoti fuerint, illud proprio Ordinario exhibeant pro ordinationis adnotatione in speciali libro in archivo servando.

CAN. 1011. Praeterea, locus Ordinarius, si agatur de ordinatis e clero saeculari, aut Superior maior, si de religiosis ordinatis cum suis litteris dimissoriis, notitiam celebratae ordinationis uniuscuiusque subdiaconi transmittat ad parochum baptismi, qui id adnotet in suo baptizatorum libro ad normam can. 470, § 2.

TITULUS VII. De matrimonio.

CAN. 1012. § 1. Christus Dominus ad sacramenti dignitatem elevit ipsum contractum matrimonialem inter baptizatos.

§ 2. Quare inter baptizatos, non potest contractus matrimonialis validus

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consistere, quin sit eo ipso sacramentum.

CAN. 1013. § 1. Finis primarius matrimonii est procreatio atque educatio prolis; secundarius, mutuum adiutorium et remedium concupiscentiae.

§ 2. Essentiales matrimonii proprietates sunt unitas ac indissolubilitas, quae in matrimonio christiano peculiarem obtinent firmitatem ratione sacramenti.

CAN. 1014. Matrimonium gaudet favore iuris; quare in dubio standum est pro valore matrimonii, donec contrarium probetur, salvo praescripto can. 1127.

CAN. 1015. § 1. Matrimonium baptizatorum validum dicitur ratum, si nondum consummatione completum est; ratum et consummatum, si inter coniuges locum habuerit coniugalis actus, ad quem natura sua ordinatur contractus matrimonialis et quo coniuges fiunt una caro.

[*Latin ed. p. 203*]

Book Third - On Matters 203 § 2. After the marriage has been celebrated, if the spouses have lived together, consummation is presumed, unless the contrary is proven. § 3. A marriage celebrated between non-baptized persons is considered valid. § 4. A marriage is considered invalid if it is called putative, if it has been celebrated in good faith by at least one party, until both parties are certain of its nullity.

• CAN. 1016. The marriage of baptized persons is governed by both divine and canon law, with due regard for the competence of civil authority concerning the purely civil effects of the same marriage.

CAN. 1017. § 1. The promise of marriage, whether unilateral or bilateral, or betrothal, is invalid in both forums, unless it has been made in writing, signed by the parties, and by a parish priest or the local Ordinary, or by at least two witnesses.

§ 2. If either or both parties are unable to write or are unable to sign, for the validity of the promise, this must be noted in the writing itself, and another witness must be added who, along with the parish priest or the local Ordinary, or with two of the witnesses mentioned in § 1, will sign the writing.

§ 3. However, from the promise of marriage, even if it is valid and no just cause excuses its fulfillment, there is no recourse to demand the celebration of the marriage; however, there is recourse for the reparation of damages, if any are due.

CAN. 1018. The parish priest should not neglect to prudently instruct the people about the sacrament of marriage and its impediments.

CHAPTER I. On those things that must precede the celebration of marriage, and especially on matrimonial banns.

CAN. 1019. § 1. Before a marriage is celebrated, it must be ascertained that nothing obstructs its valid and lawful celebration.

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§ 2. In the case of imminent death, if other proofs cannot be obtained, the sworn affirmation of the contracting parties, that they have been baptized and are not subject to any impediment, is sufficient, unless contrary evidence is present.

CAN. 1020. § 1. The parish priest to whom the right of assisting at the marriage belongs, at an appropriate time beforehand, should diligently investigate whether anything obstructs the marriage from taking place.

§ 2. Both the bridegroom and the bride should be questioned separately and carefully as to whether they are subject to any impediment, and whether they consent freely, especially...

[*Latin ed. p. 204*]

204. The Code of Canon Law states that a woman must demonstrate, and be sufficiently instructed in the Christian faith, unless, due to the nature of the individuals involved, this final question appears superfluous. § 3. It is the duty of the local Ordinary to provide specific regulations for such investigations by the parish priest. CAN. 1021. § 1. Unless baptism was conferred within his own territory, the parish priest shall require proof of baptism from both parties, or from the Catholic party alone, if the marriage is to be celebrated with a dispensation from the impediment of disparity of cult. § 2. Catholics who have not yet received the sacrament of Confirmation shall receive it, if they are able, before being admitted to marriage. CAN. 1022. The parish priest shall publicly announce among whom a marriage is to be celebrated. CAN. 1023. § 1. The publication of marriages must be carried out by the parish priest himself. § 2. If one party has resided in another place for six months after reaching the age of puberty, the parish priest shall inform the Ordinary, who, according to his prudence, shall either require publications to be made there, or shall prescribe other means of ascertaining the freedom of status. § 3. If there is any suspicion of an impediment, even for a shorter period of residence, the parish priest shall also consult the Ordinary, who shall not permit the marriage unless the suspicion, according to the norm of § 2, is removed. CAN. 1024. The publications shall be made for three consecutive days on Sundays and other holy days of obligation, in the church, during the solemnities of the Mass, or during other divine services to which the people frequently attend. CAN. 1025. The local Ordinary may, for his territory, substitute public announcements with a public notice affixed to the doors of the parish church or another church, displaying the names of the contracting parties for a period of at least eight days, provided that, within this period, two holy days of obligation are included. CAN. 1026. Publications shall not be made for marriages contracted with a dispensation from the impediment of disparity of cult or for mixed marriages, unless the local Ordinary, after due consideration and with the removal of scandal, deems it appropriate to allow them, provided that an apostolic dispensation precedes and that mention of the religion of

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the non-Catholic party is omitted. CAN. 1027. All the faithful are bound to reveal to the parish priest or the local Ordinary any impediments that they may know of, before the celebration of the marriage.

[*Latin ed. p. 205*]

Book Third - Concerning Canon 205, 1028. § 1. The proper Ordinary, according to his prudent judgment, may, for a legitimate reason, grant a dispensation from the requirement of publications, even those to be made in another diocese. § 2. If there are several proper Ordinaries, he has the right to grant the dispensation in whose diocese the marriage is to be celebrated; but if the marriage is to be celebrated outside his own diocese, any proper Ordinary may grant the dispensation. CAN. 1029. If another parish priest has conducted the investigation or the publications, he shall promptly inform the parish priest who is to assist at the marriage, by means of an authentic document, of the outcome thereof. CAN. 1030. § 1. After the investigations and publications have been completed, the parish priest shall not assist at the marriage until he has received all the necessary documents, and, unless a reasonable reason requires otherwise, three days have elapsed from the last publication. § 2. If the marriage has not been contracted within six months, the publications shall be repeated, unless another course seems advisable to the proper Ordinary. CAN. 1031. § 1. If a doubt arises concerning the existence of some impediment: 1.° The parish priest shall investigate the matter more thoroughly, questioning at least two trustworthy witnesses under oath, provided that this is not done in a case where knowledge of the impediment would cause scandal to the parties, and, if necessary, the parties themselves; 2.° He shall proceed with or complete the publications, if the doubt arose before or after the publications have begun or been completed; 3.° He shall not assist at the marriage, without consulting the Ordinary, if he prudently judges that the doubt still persists. § 2. "If an impediment is certainly detected: 1.° If the impediment is hidden, the parish priest shall proceed with or complete the publications, and shall report the matter, without mentioning names, to the proper Ordinary or to the Sacred Penitentiary; 2.° If it is public and is discovered before the publications have begun, the parish priest shall not proceed further until the impediment is removed, even if he knows that a dispensation has been granted for his own conscience; if it is discovered after the first or second publication, the parish priest shall complete the publications, and shall report the matter to the Ordinary. § 3. Finally, if no impediment has been detected, neither certain nor doubtful, the parish priest, after the publications have been completed, shall admit the parties to the celebration of the marriage. CAN. 1032. The parish priest shall never assist at the marriage of vagrants, except in cases of necessity, unless, after the matter has been reported to the proper Ordinary or to a priest delegated

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by him, he has obtained permission to assist.

[*Latin ed. p. 206*]

206. Codex Iuris Canonici, CAN. 1033. The parish priest must, according to the condition of each person, instruct the betrothed concerning the sanctity of the sacrament of marriage, the mutual obligations of the spouses, and the obligations of parents towards their children; and he must earnestly exhort them to diligently confess their sins before the celebration of the marriage, and to worthily receive the most holy Eucharist. CAN. 1034. The parish priest must earnestly exhort those who are minors in the family not to enter into marriage without the knowledge or reasonable consent of their parents; and if they refuse, he must not assist at their marriage, unless he has previously consulted with the Ordinary of the place.

• CHAPTER II. Of impediments in general.

CAN. 1035. All are capable of contracting marriage who are not prohibited by law.

CAN. 1036. § 1. An impediment impeding marriage contains a grave prohibition against contracting marriage; however, it does not render the marriage invalid if, notwithstanding the impediment, it is contracted.

§ 2. An impediment dirimens both gravely prohibits the contracting of marriage and prevents it from being validly contracted.

§ 3. Although an impediment may exist only on one side, marriage is nevertheless either illicit or invalid.

CAN. 1037. A public impediment is one that can be proven in the external forum; otherwise, it is hidden.

CAN. 1038. § 1. Only the highest ecclesiastical authority has the authentic power to declare whether a certain impediment impedes or dirimens marriage according to divine law.

§ 2. The same highest authority has the power to establish other impediments that impede or dirimens marriage for the baptized, either by means of a law that is universal or particular.

CAN. 1039. § 1. The Ordinaries of places can prohibit marriages in a particular case to all who reside within their territory, and even to their subjects outside their territory, but only for a time, and only for a just cause that endures.

§ 2. The Apostolic See can add a clause to the prohibition that renders it invalid.

CAN. 1040. No one, except the Roman Pontiff, can abolish or derogate from ecclesiastical impediments, whether impeding or dirimens; likewise.

[*Latin ed. p. 207*]

Book Third - Concerning Matters 207, nor dispense in them, unless this

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power has been granted by the Apostolic See by common or special indult. CAN. 1041. Custom which introduces a new impediment, or which is contrary to existing impediments, is disapproved. CAN. 1042. § 1. Impediments are of a lesser degree, and some are of a greater degree. § 2. Impediments of a lesser degree are: 1.° Consanguinity in the third degree of the collateral line; 2.° Affinity in the second degree of the collateral line; 3.° Public dishonor in the second degree; 4.° Spiritual relationship; 5.° The crime of adultery with the promise or intention of marriage, even if committed only in a civil act. § 3. Impediments of a greater degree are all others. CAN. 1043. In cases of urgent danger of death, the Ordinary of the place, in order to consult the conscience and, if the case warrants, for the legitimization of children, may, with due regard to the form to be observed in the celebration of marriage, and with respect to all and each impediment of ecclesiastical law, whether public or hidden, even if multiple, except for impediments arising from the sacred order of the priesthood and from affinity in the direct line, after the marriage has been consummated, dispense to his own subjects residing everywhere and to all who live in his territory, provided that scandal is avoided, and, if a dispensation is granted concerning disparity of cult or mixed religion, with the usual precautions. CAN. 1044. In the same circumstances concerning which the foregoing is stated in canon 1043, and only in cases in which the local Ordinary cannot be consulted, the same power to dispense is possessed by the parish priest, by the priest who assists at the marriage, according to canon 1098, n. 2, and by the confessor, but this only in the internal forum during the act of sacramental confession. CAN. 1045. § 1. The Ordinaries of the places, under the conditions stated at the end of canon 1043, may grant a dispensation concerning all impediments mentioned in the aforementioned canon 1043, whenever the impediment is discovered, when all is already prepared for the marriage, and the marriage cannot be postponed until a dispensation is obtained from the Holy See, without a probable danger of a grave evil. § 2. This power is also valid for the validation of a marriage already contracted, if the same danger exists in the delay, and there is no time to appeal to the Holy See. § 3. In the same circumstances, all those mentioned in canon 1044 enjoy the same power, but only in cases which are hidden, in which the local Ordinary cannot be consulted, or only if there is a danger of violating the secret.

[*Latin ed. p. 208*]

208. Codex Iuris Canonici, CAN. 1046. The parish priest or priest concerning whom mention is made in canon 1044, regarding a dispensation granted for the external forum, shall immediately inform the Ordinary of the place; and this shall be noted in the marriage book.

CAN. 1047. Unless otherwise provided by a decree of the Holy Penitentiary, a dispensation in the internal forum, not pertaining to the sacrament,

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granted concerning a hidden impediment, shall be noted diligently in the secret archives of the Curia, as mentioned in canon 379, and no other dispensation for the external forum is necessary, even if the hidden impediment subsequently becomes public; but it is necessary if the dispensation had been granted only in the internal forum pertaining to the sacrament.

CAN. 1048. If a petition for a dispensation has been sent to the Holy See, the Ordinaries of the place shall not exercise their faculties, if they have any, except in accordance with canon 204, § 2.

CAN. 1049. § 1. In marriages, or contracts, or those about to be contracted, he who enjoys a general dispensation regarding a certain impediment, may, unless otherwise expressly prescribed in the very dispensation, dispense even if the same impediment is multiplied.

§ 2. He who has a general dispensation to dispense concerning several impediments of different kinds, whether essential or merely impediments, may dispense concerning the same impediments, even if they are public, in one and the same case.

CAN. 1050. If, when an impediment or impediments concerning which one may dispense by virtue of a dispensation, concur with another impediment concerning which one may not dispense, the Apostolic See must be approached concerning all of them; but if the impediment or impediments concerning which one may dispense are discovered after a dispensation has been obtained from the Holy See, he may exercise his faculties.

CAN. 1051. By a dispensation concerning an essential impediment, granted either by ordinary power, or by delegated power through a general dispensation, and not by a decree in particular cases, legitimacy is also conferred upon any children who may have already been born or conceived with those with whom the dispensation is granted, except in cases of adultery and sacrilege.

CAN. 1052. A dispensation from an impediment of consanguinity or affinity, granted for a certain degree of impediment, is valid, even if an error concerning the degree occurred in the petition or in the granting of the dispensation, provided that the degree actually existing is inferior.

[*Latin ed. p. 209*]

Book Third - Concerning Matters 209 more, or if another impediment of the same kind has been removed at an equal or lower degree.

CAN. 1053. A dispensation granted by the Holy See concerning a valid but unconsummated marriage, or a permission for transition to other nuptials due to the presumed death of a spouse, always carries with it a dispensation from the impediment arising from adultery with a promise or intention of marriage, if such is needed, but certainly not a dispensation from the impediment mentioned in can. 1075, nn. 2, 3.

CAN. 1054. A dispensation from a lesser impediment, granted, is not

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rendered invalid by any flaw, whether of omission or deception, even if the ultimate reason stated in the petition was false.

CAN. 1055. Dispensations concerning public impediments, delegated to an Ordinary by the superiors, are to be executed by the Ordinary who issued the testimonial letters or transmitted the petitions to the Apostolic See, even if the parties, at the time the dispensation is to be executed, have left the domicile or quasi-domicile of that diocese; provided that the Ordinary of the place where they intend to contract marriage is warned.

CAN. 1056. Except for a small fee for expenses incurred by the chancery in dispensations granted to those who are not poor, the Ordinaries of places and their officials, rejecting any contrary custom, are not permitted, on the occasion of a dispensation granted, to demand any emolument, unless this power has been expressly granted to them by the Holy See; and if they do demand it, they are bound to make restitution.

CAN. 1057. Those who, by delegated authority from the Apostolic See, grant dispensations, shall mention in the same the express mention of the pontifical indulgence.

CHAPTER III. Concerning Impediments.

CAN. 1058. § 1. Marriage is impeded by the vow of simple continence, of perfect chastity, of not marrying, of receiving holy orders, and of embracing the religious state.

§ 2. No vow of simple continence invalidates marriage, unless the invalidation has been established by a special decree of the Apostolic See for certain cases.

CAN. 1059. In those regions where, according to civil law, legal kinship, arising from adoption, renders marriages illicit, by canon law also, marriage is illicit.

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[*Latin ed. p. 210*]

Codex 210 of Canon Law, CANON 1060. The Church most severely prohibits that marriage be entered into between two baptized persons, of whom one is Catholic, and the other belongs to a heretical or schismatic sect; and if there is danger of perversion of the Catholic spouse and of the offspring, the marriage is also forbidden by divine law.

CANON 1061. § 1. The Church does not grant a dispensation from the impediment of mixed religion, unless: 1.° There are urgent and serious reasons; 2.° The non-Catholic spouse has given a guarantee of removing the danger of perversion from the Catholic spouse, and both spouses have promised that all of the offspring will be baptized and raised as Catholics; 3.° There is moral certainty regarding the fulfillment of the guarantees. § 2. Guarantees must be regularly required in writing.

CANON 1062. The Catholic spouse is obligated to prudently care for the

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conversion of the non-Catholic spouse.

CANON 1063. § 1. Even if a dispensation has been obtained from the Church regarding the impediment of mixed religion, the spouses may not, either before or after the marriage begun before the Church, approach a non-Catholic minister as if he were a minister of the sacraments, in order to give or renew their matrimonial consent.

§ 2. If the parish priest certainly knows that the betrothed are going to violate this law, or have already violated it, he must not assist at their marriage, unless for very serious reasons, after removing the scandal and having first consulted with the Ordinary.

§ 3. It is not disapproved, however, that the spouses present themselves even before a non-Catholic minister, the civil official performing only his official function, and that this be done solely for the purpose of fulfilling a civil act, for the sake of civil effects.

CANON 1064. Ordinaries and other pastors of souls: 1.° Should keep the faithful, as much as possible, away from mixed marriages; 2.° If they cannot prevent them, they should take the utmost care that they do not take place contrary to the laws of God and the Church; 3.° In mixed marriages celebrated either in their own or in another territory, they should diligently ensure that the spouses faithfully fulfill the promises they have made; 4.° Those assisting at the marriage must observe the prescription of CANON 1102.

CANON 1065. § 1. The faithful are also to abstain from entering into marriage with those who have notoriously abandoned the Catholic faith, even if they have not passed over to a non-Catholic sect, or who are members of societies condemned by the Church.

[*Latin ed. p. 211*]

Book Third - On Matters 211 § 2. The parish priest ought not to assist at the aforementioned marriage, unless with the consent of the Ordinary, who, having examined all the circumstances of the matter, may permit him to attend the marriage, provided that a grave reason compels it, and the Ordinary, according to his prudent judgment, deems it sufficiently safe for the Catholic education of the entire offspring and for the removal of the danger of the perversion of either spouse. C A N. 1066. If a public sinner or one notoriously subject to censure refuses to approach sacramental confession or to reconcile himself with the Church, the parish priest ought not to assist at his marriage, unless a grave reason compels it, about which, if possible, he should consult the Ordinary. CHAPTER IV. On impediments that are diriment. 1067. § 1. A man cannot validly enter into marriage before completing his tenth sixth year of age, nor can a woman before completing her tenth fourth year of age. § 2. Although a marriage contracted after the aforementioned age is valid, pastors of souls ought to dissuade young

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people from entering into marriage before the age at which, according to the customs received in the region, marriage is usually entered into. C A N. 1068. § 1. Impotence, whether preceding and perpetual, or on the part of the man or the woman, whether known or unknown to the other, whether absolute or relative, invalidates marriage by the very law of nature. § 2. If the impediment of impotence is doubtful, whether of law or of fact, the marriage is not to be impeded. § 3. Sterility neither invalidates nor impedes marriage. C A N. 1069. § 1. A marriage is invalid if the person is bound by a prior marriage, although it has not been consummated, saving the privilege of faith. § 2. Although the prior marriage is invalid or dissolved for any reason, another marriage is not therefore licit, unless it is legitimately and certainly established that the prior marriage is null or dissolved. C A N. 1070. § 1. There is no marriage between a person not baptized and a person baptized in the Catholic Church, or converted from heresy or schism to the same. § 2. If, at the time of the marriage contract, one party was commonly considered to be baptized, or if the baptism of one party was doubtful, according to the norm of canon 1014, provision must be made for the validity of the marriage, until it is certainly proven that one party is baptized and the other is not baptized.

[*Latin ed. p. 212*]

Code of Canon Law CAN. 1071. That which is prescribed concerning mixed marriages in canons 1060-1064 must also be applied to marriages for which there is an impediment of disparity of cult.

CAN. 1072. Clerics who have been established in the sacred orders are invalidly joined in matrimony.

CAN. 1073. Likewise, religious who have professed solemn vows, or simple vows to which a special provision of the Apostolic See has added the force of nullifying marriage, are invalidly joined in matrimony.

CAN. 1074. § 1. Between the man who has abducted and the woman, abducted with the intention of marriage, no marriage can be validly contracted as long as she remains in the power of the abductor.

§ 2. But if the abducted woman, separated from the abductor and placed in a safe and free location, consents to take him as her husband, the impediment ceases.

§ 3. With regard to the nullity of marriage, violent retention of a woman is considered equivalent to abduction, namely, when a man violently detains a woman in the place where she dwells or to which she freely came, with the intention of marriage.

CAN. 1075. The following cannot validly contract marriage:

1.° Those who, while the same legitimate marriage endures, have consummated adultery between themselves and have given each other mutual faith concerning entering into marriage, or who, even by a civil act alone,

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have attempted marriage;

2.° Those who, while the same legitimate marriage endures, have consummated adultery between themselves, and one of them has committed adultery;

3.° Those who, by physical or moral means, even without adultery, have caused the death of their spouse.

CAN. 1076. § 1. In the direct line of consanguinity, marriage is invalid between all ascendants and descendants, both legitimate and natural.

§ 2. In the collateral line, it is invalid up to the third degree inclusive, so that the impediment of marriage is multiplied as many times as the common stock is multiplied.

§ 3. Marriage must never be permitted if any doubt remains as to whether the parties are consanguineous in any degree in the direct line, or in the first degree of the collateral line.

CAN. 1077. § 1. Affinity in the direct line invalidates marriage in any degree; in the collateral line up to the second degree inclusive.

§ 2. The impediment of affinity is multiplied:

[*Latin ed. p. 213*]

Book Third - On Matters 213 1.° How often is the impediment of consanguinity multiplied from which it proceeds? 2.° Repeated successive marriage with a relative of the deceased spouse. CAN. 1078. The impediment of public decency arises from an invalid marriage, whether consummated or not, and from public or notorious concubinage; and it invalidates marriages in the first and second degrees of the direct line between a man and the female relatives of the woman, and vice versa. CAN. 1079. Only spiritual affinity invalidates marriage, as is explained in canon 768. CAN. 1080. Those who, according to civil law, are held to be incapable of marrying each other due to a legal relationship arising from adoption, cannot validly contract marriage between themselves by the force of canonical law. CHAPTER V. Concerning Matrimonial Consent. CAN. 1081. § 1. Marriage is a legitimate manifestation of the consent of the parties between persons legally capable; which cannot be supplied by any human power. § 2. Matrimonial consent is an act of the will by which each party gives and accepts the right in the body of the other, perpetual and exclusive, in order to acts which are of themselves apt for the procreation of children. CAN. 1082. § 1. In order that matrimonial consent may be had, it is necessary that the contracting parties at least not be ignorant that marriage is a permanent society between a man and a woman for the procreation of children. § 2. This ignorance is not presumed after puberty. CAN. 1083. § 1. Error concerning the person invalidates the marriage. § 2. Error concerning the quality of the person, although it may be a cause for the contract, invalidates the marriage only: 1.° If the error of quality amounts to an error of person; 2.° If a free

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person contracts marriage with a person whom he believes to be free, when in fact that person is a slave, by proper servitude. CAN. 1084. A simple error concerning the unity or indissolubility, or the sacramental dignity of marriage, although it may be a cause for the contract, does not vitiate the matrimonial consent.

[*Latin ed. p. 214*]

£14 Codex Iuris Canonici CAN. 1085. Scientia aut opinio nullitatis matrimonii consensum matrimonialem necessario non excludit.

CAN. 1086. § 1. Internus animi consensus semper praesumitur conformis verbis vel signis in celebrando matrimonio adhibitis.

§ 2. At si alterutra vel utraque pars positivo voluntatis actu excludat matrimonium ipsum, aut omne ius ad coniugalem actum, vel essentialem aliquam matrimonii proprietatem, invalide contrahit.

CAN. 1087. § 1. Invalidum quoque est matrimonium initum ob vim vel metum gravem ab extrinseco et iniuste incussum, a quo ut quis se liberet, eligere cogatur matrimonium.

§ 2. Nullus alius metus, etiamsi det causam contractui, matrimonii nullitatem secumfert.

CAN. 1088. § 1. Ad matrimonium valide contrahendum necesse est ut contrahentes sint praesentes sive per se ipsi sive per procuratorem.

§ 2. Sponsi matrimonialem consensum exprimant verbis; nec aequipollentia signa adhibere ipsis licet, si loqui possint.

CAN. 1089. § 1. Firmis dioecesanis statutis desuper additis, ut matrimonium per procuratorem valide ineatur, requiritur mandatum speciale ad contrahendum cum certa persona, subscriptum a mandante et vel a parocho aut Ordinario loci in quo mandatum fit, vel a sacerdote ab alterutro delegato, vel a duobus saltem testibus.

§ 2. Si mandans scribere nesciat, id in ipso mandato adnotetur et alius testis addatur qui scripturam ipse quoque subsignet; secus mandatum irritum est.

§ 3. Si, antequam procurator nomine mandantis contraxerit, hic mandatum revocaverit aut in amentiam inciderit, invalidum est matrimonium, licet sive procurator sive alia pars contrahens haec ignoraverint.

§ 4. Ut matrimonium validum sit, procurator debet munere suo per se ipse fungi.

CAN. 1090. Matrimonium per interpretem quoque contrahi potest.

CAN. 1091. Matrimonio per procuratorem vel per interpretem contrahendo parochus ne assistat, nisi adsit iusta causa et de authenticitate mandati vel de interpretis fide dubitari nullo modo liceat, habita, si tempus suppetat, Ordinarii licentia.

£14 of the Code of Canon Law.

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CAN. 1085. Knowledge or opinion of the nullity of the marriage does not necessarily exclude the matrimonial consent.

CAN. 1086. § 1. Internal consent of the mind is always presumed to be in conformity with the words or signs used in celebrating the marriage.

§ 2. However, if either or both parties, by a positive act of will, exclude the marriage itself, or all right to conjugal intercourse, or any essential property of marriage, they contract invalidly.

CAN. 1087. § 1. Also invalid is a marriage begun under duress or grave fear, externally and unjustly imposed, from which one is compelled to choose marriage in order to free oneself.

§ 2. No other fear, even if it gives a reason for the contract, carries with it the nullity of the marriage.

CAN. 1088. § 1. For a marriage to be validly contracted, it is necessary that the contracting parties be present, either in person or through a proxy.

§ 2. The spouses must express their matrimonial consent with words; nor are equivalent signs permitted to them, if they are able to speak.

CAN. 1089. § 1. In addition to the firm diocesan statutes, in order that a marriage may be validly entered into through a proxy, a special mandate to contract with a certain person is required, signed by the mandator and either by the parish priest or the Ordinary of the place where the mandate is made, or by a priest delegated by either of them, or by at least two witnesses.

§ 2. If the mandator is unable to write, this must be noted in the mandate itself, and another witness must be added who also signs the writing; otherwise, the mandate is invalid.

§ 3. If, before the proxy contracts on behalf of the mandator, the latter revokes the mandate or becomes insane, the marriage is invalid, even if the proxy or the other contracting party are unaware of this.

§ 4. For the marriage to be valid, the proxy must perform his office personally.

CAN. 1090. Marriage can also be contracted through an interpreter.

CAN. 1091. When a marriage is contracted through a proxy or through an interpreter, the parish priest should not assist, unless there is a just cause, and there is no reasonable doubt about the authenticity of the mandate or about the fidelity of the interpreter, with the permission of the Ordinary, if time permits.

[*Latin ed. p. 215*]

Book Third - On Impediments. Canon 215, 1092. A condition once imposed and not revoked: 1.° If it pertains to the future, and is necessary, or impossible, or shameful, but not contrary to the essence of marriage, it is considered as not attached; 2.° If it pertains to the future and is contrary

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to the essence of marriage, it renders the marriage invalid; 3.° If it pertains to the future and is lawful, it suspends the validity of the marriage; 4.° If it pertains to the past or the present, the marriage will be valid or not, according to whether that which underlies the condition exists or not. Canon 1093. Although a marriage may have been begun invalidly by reason of an impediment, the consent given is presumed to continue, unless it is proven that it has been revoked. CHAPTER VI. Concerning the Form of Celebrating Marriage. Canon 1094. Only those marriages are valid which are contracted before a parish priest, or the local Ordinary, or a priest delegated by either of them, and with at least two witnesses, according to the rules expressed in the canons that follow, and with the exceptions mentioned in canons 1098, 1099. Canon 1095. § 1. The parish priest and the local Ordinary validly assist at a marriage: 1.° Only from the day of the canonical possession of the benefice, according to canon 334, § 3, 1444, § 1, or the beginning of office, unless they have been excommunicated, or interdicted, or suspended from office, or declared to be such; 2.° Only within the boundaries of their own territory; within which they validly assist at marriages, not only of their own subjects, but also of those who are not subjects; 3.° Provided that they do not require, nor do they accept, the consent of the contracting parties, either by force or by grave fear. § 2. The parish priest and the local Ordinary who can validly assist at a marriage, can also grant a license to another priest to validly assist at a marriage within the boundaries of their territory. Canon 1096. § 1. A license to assist at a marriage, granted according to canon 1095, § 2, must be expressly given to a specific priest for a specific marriage, excluding any general delegations, unless it concerns cooperator vicars attached to the parish; otherwise, it is invalid. § 2. The parish priest or the local Ordinary shall not grant a license unless all that the law requires has been fulfilled to prove the freedom of the state.

[*Latin ed. p. 216*]

216. Codex Iuris Canonici, CAN. 1097. § 1. The parish priest, or the local Ordinary, lawfully assists at a marriage if: 1.° He is legitimately informed of the free state of the contracting parties, according to the law; 2.° He is also informed of the domicile, or quasi-domicile, or monthly residence, or, if it is a matter of vagrants, the actual residence of either of the contracting parties, in the place of the marriage; 3.° If the conditions mentioned in n. 2 are lacking, the permission of the parish priest or the Ordinary of the domicile or quasi-domicile, or of the monthly residence of either of the contracting parties, is required, unless it concerns vagrants who are actually traveling and have no fixed residence, or a serious necessity intervenes which excuses the need for a dispensation. § 2. In every case, the rule should be observed that the marriage should be celebrated before the parish priest of the bride, unless a just cause excuses it; marriages of Catholics of mixed rite, unless otherwise provided for by particular law, are to be celebrated according to

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the rite of the man and before the same parish priest. § 3. The parish priest who assists at a marriage without the legally required permission does not thereby acquire any rights over the marriage, and he must remit the fees to the parish priest of the contracting parties. CAN. 1098. If, without grave inconvenience, the parish priest, or the Ordinary, or the priest delegated to assist at a marriage, according to canons 1095 and 1096, cannot be present: 1.° In case of danger of death, a marriage contracted before witnesses alone is valid and licit; and even outside of danger of death, provided that it is prudently foreseen that the circumstances will last for a month; 2.° In either case, if another priest is present who can assist, he must be called and, together with the witnesses, must assist at the marriage, without prejudice to the validity of the marriage before witnesses alone. CAN. 1099. § 1. The form set forth above must be observed by: 1.° All who have been baptized in the Catholic Church and who have been converted to it from heresy or schism, whether they or the others have subsequently fallen away from it, whenever they enter into marriage with each other; 2.° The same, as mentioned above, if they contract marriage with non-Catholics, whether baptized or not, even after obtaining a dispensation from the impediment of mixed religion or disparity of cult; 3.° Orientals, if they marry Latins, are bound by this form. § 2. However, with firm adherence to § 1, n. 1, non-Catholics, whether baptized or not, if they marry each other, are not required to observe the Catholic form of marriage; likewise, those born of non-Catholics, even if baptized in the Catholic Church, who have grown up in heresy or schism, or in infidelity, or without any religion, whenever they contract marriage with a non-Catholic.

[*Latin ed. p. 217*]

Book Third - On Matters 217 1100. CAN. Except in cases of necessity, the rites prescribed in the ritual books approved by the Church, or those received by laudable customs, must be observed in the celebration of marriage.

CAN. 1101. § 1. The parish priest shall see to it that the spouses receive the solemn blessing, which may be given to them even after they have lived in marriage for a long time, but only during Mass, with the special rubric observed and except during festive times.

§ 2. Only a priest, either by himself or through another who is validly and lawfully able to assist at the marriage, can give the solemn blessing.

1102. CAN. § 1. In marriages between a Catholic party and a non-Catholic party, the inquiries regarding consent shall be made according to the prescription of canon 1095, § 1, no. 3.

§ 2. But all sacred rites are prohibited; and if more serious evils are foreseen from this prohibition, the Ordinary may permit some of the customary ecclesiastical ceremonies, always excluding the celebration of Mass.

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They must CAN. 1103. § 1. After the marriage has been celebrated, the parish priest, or whoever performs his duties, shall, as soon as possible, record in the marriage book the names of the spouses and witnesses, the place and date of the marriage, and other matters according to the manner prescribed in the ritual books and by the proper Ordinary; and this is done even if another priest, either by himself or delegated by the Ordinary, assisted at the marriage.

§ 2. Furthermore, in accordance with canon 470, § 2, the parish priest shall also note in the baptismal register that the spouse contracted marriage in his parish on that day. If the spouse was baptized elsewhere, the parish priest of the marriage shall inform the parish of the spouse's baptism, either directly or through the episcopal curia, so that the marriage may be recorded in the baptismal register.

§ 3. Whenever a marriage is contracted according to canon 1098, the priest, if he is present, and the witnesses are bound to ensure that the newly married couple is recorded in the prescribed books as soon as possible.

CHAPTER VII. On Marriage of Consent.

CAN. of conscience. 1104. Only for a very serious and urgent reason, and by the local Ordinary himself, excluding the General Vicar without a special mandate, may a marriage of consent be permitted, that is, a marriage celebrated without announcements and in secret, according to the canons that follow.

CAN. 1105. Permission to celebrate a marriage of consent entails a promise and a grave obligation on the part of the assisting priest to maintain secrecy.

[*Latin ed. p. 218*]

Codex Iuris Canonici 218 praescribit, quod testium, Ordinarii eiusque successorum, et etiam alterius coniugis, divulgatio non licet, altero non consentiente.

CAN. 1106. Obligatio huius promissionis ex parte Ordinarii non extenditur ad casum quo vel aliquod scandalum aut gravis erga matrimonii sanctitatem iniuria ex secreti observantia immineat, vel parentes non curent filios ex tali matrimonio susceptos baptizari aut eos baptizandos curent falsis expressis nominibus, quin interim Ordinario intra triginta dies notitiam prolis susceptae et baptizatae cum sincera indicatione parentum praebeant, vel christianam filiorum educationem negligant.

CAN. 1107. Matrimonium conscientiae non est adnotandum in consueto matrimoniorum ac baptizatorum libro, sed in peculiari libro servando in secreto Curiae archivo, de quo in can. 379.

CAPUT VIII. De tempore et loco celebrationis matrimonii.

CAN. 1108. § 1. Matrimonium quolibet anni tempore contrahi potest.

§ 2. Sollemnis tantum nuptiarum benedictio vetatur a prima dominica

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Adventus usque ad diem Nativitatis Domini inclusive, et a feria IV Cinerum usque ad dominicam Paschatis inclusive.

§ 3. Ordinarii locorum possunt, salvis legibus liturgicis, etiam praedictis temporibus eam permittere ex iusta causa, monitis sponsis ut a nimia pompa abstineant.

§ 1. Matrimonium inter catholicos celebretur in ecclesia paroeciali; in alia autem ecclesia vel oratorio sive publico sive semi-publico, nonnisi de licentia Ordinarii loci vel parochi celebrari poterit.

§ 2. Matrimonium in aedibus privatis celebrari Ordinarii locorum in extraordinario tantum aliquo casu et accedente semper iusta ac rationabili causa permittere possunt; sed in ecclesiis vel oratoriis sive Seminarii sive religiosarum, Ordinarii id ne permittant, nisi urgente necessitate, ac opportunis adhibitis cautelis.

§ 3. Matrimonia vero inter partem catholicam et partem acatholicam extra ecclesiam celebrentur; quod si Ordinarius prudenter iudicet id servari non posse quin graviora oriantur mala, prudenti eius arbitrio committitur hac super re dispensare, firmo tamen praescripto can. 1102, § 2.

[*Latin ed. p. 219*]

Book Third - On Matters 219 CHAPTER IX. On the Effects of Marriage. CANON 1110. From a valid marriage arises between the spouses a bond which is, by its very nature, perpetual and exclusive; furthermore, Christian marriage confers grace upon the spouses, provided they do not place an obstacle to it. CANON Ill. Both spouses, from the very beginning of marriage, have an equal right and duty concerning matters pertaining to the acts proper to conjugal life. CANON 1112. Unless otherwise provided for by special law, the wife, with regard to canonical effects, participates in the status of her husband. CANON 1113. Parents are bound by a most serious obligation to care for the education of their children, both religious and moral, as well as physical and civil, according to their abilities, and also to provide for their temporal well-being. CANON 1114. Legitimate are the children conceived or born from a valid or putatived marriage, unless the marriage previously contracted was forbidden to the parents by reason of a solemn religious profession or the reception of holy orders at the time of conception. CANON 1115. § 1. The father is he whom just nuptials demonstrate, unless contrary evidence is proven. § 2. Children are presumed to be legitimate who are born at least six months after the day of the celebration of the marriage, or within ten months of the day of the dissolution of conjugal life. CANON 1116. By a subsequent marriage of the parents, whether true or putatived, whether newly contracted or validated, even if not consummated, the offspring become legitimate, provided that the parents were capable of contracting marriage between themselves at the time of conception, or of pregnancy, or of birth. CANON 1117. Children legitimated by a subsequent marriage are equal to legitimate children in all

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canonical effects, unless otherwise expressly provided.

[*Latin ed. p. 220*]

Codex Iuris Canonici, CHAPTER X. Concerning the Separation of Spouses. ARTICLE I. — Concerning the Dissolution of the Bond. CANON 1118. A valid, ratified, and consummated marriage cannot be dissolved by any human authority, nor by any cause, except death. CANON 1119. A marriage not consummated between baptized persons, or between a baptized person and an unbaptized person, is dissolved both by the law itself through a solemn profession of religious life, and by a dispensation granted by the Apostolic See for a just cause, requested by either party, or by one of the parties, even if the other is unwilling. CANON 1120. § 1. A legitimate marriage between unbaptized persons, even if consummated, is dissolved in favor of the faith by the Pauline privilege. § 2. This privilege does not apply to a marriage between a baptized person and an unbaptized person that began with a dispensation from the impediment of disparity of cult. CANON 1121. § 1. Before a converted and baptized spouse can validly contract a new marriage, unless the prescription of canon 1125 is observed, he must inquire of the unbaptized party: 1.° Whether he or she also wishes to be converted and receive baptism; 2.° Whether he or she at least wishes to live peacefully with him or her without offending the Creator. § 2. These inquiries must always be made, unless the Apostolic See has declared otherwise. CANON 1122. § 1. The inquiries must be made regularly, at least in a summary and extrajudicial form, by the authority of the Ordinary of the converted spouse, from whom also inducements for deliberation may be granted to the unfaithful spouse, if he or she requests them, with the warning, however, that, if the inducements are unprofitably allowed to pass, the response will be presumed to be negative. § 2. Inquiries made privately by the converted party themselves are also valid, and indeed are even permissible, if the form prescribed above cannot be observed; however, in this case, it must be established, for external purposes, by at least two witnesses, or by another legitimate means of proof. CANON 1123. If the inquiries have been omitted by order of the Apostolic See, or if the unfaithful party has responded negatively to them, expressly or tacitly, the party...

[*Latin ed. p. 221*]

Book Third - Concerning those who are baptized, she has the right to contract new marriage with a Catholic, unless she has given the unbaptized party a just cause for separation after baptism. CAN. 1124. The faithful spouse, even after having lived again, in marriage, with the unfaithful spouse after receiving baptism, nevertheless does not lose the right to celebrate a new marriage with a Catholic, and therefore can exercise this right, if the unfaithful spouse, having changed his mind, subsequently departs

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without a just cause, or no longer lives peacefully without offending the Creator. CAN. 1125. Those matters which pertain to marriage, in the constitutions of Paul III, *Altitudo*, June 1, 1537; of St. Pius V, Pope of Rome, August 2, 1571; of Gregory XIII, *Populis*, January 25, 1585, and those which are written for particular places, are extended to other regions as well. CAN. 1126. The bond of the prior marriage, contracted in infidelity, is dissolved only when the faithful spouse validly enters into a new marriage. CAN. 1127. In matters of doubt, the privilege of faith enjoys the favor of the law. ARTICLE II. - Concerning separation from bed, board, and habitation. CAN. 1128. Spouses ought to preserve the communion of conjugal life, unless a just cause excuses them. CAN. 1129. § 1. Because of the adultery of one spouse, the other spouse, while the bond remains, has the right to dissolve, even perpetually, the communion of life, unless he has consented to the crime, or has given the same cause, or has expressly or tacitly forgiven it, or has himself committed the same crime. § 2. Tacit forgiveness is held to exist, if the innocent spouse, after having been informed of the crime of adultery, has voluntarily conversed with the other spouse, with marital affection; it is presumed, however, unless within six months he has expelled or abandoned the adulterous spouse, or has made a legitimate accusation. CAN. 1130. The innocent spouse, whether by the sentence of a judge or by his own legitimate authority, is never obligated to admit the adulterous spouse again to the communion of life; he can, however, admit or recall him, unless he has assumed a state contrary to marriage with the consent of the other.

[*Latin ed. p. 222*]

Codex Iuris Canonici C A N. 1131. § 1. Si unus coniugum nomen sectae acatholicae accepit; si prolem acatholice educaverit; si vitam criminosam et ignominiosam ducit; si gravi periculo animam vel corpus alteri infodit; si saevitiis vitam communem nimis difficilem reddit, haec sunt, pro altero coniuge, legitimae causae ad separationem, auctoritate Ordinarii loci, et etiam propria auctoritate, si de his certo constet, et periculum sit in mora. § 2. In omnibus his casibus, causa separationis cessante, vita communis restauranda est; sed si separatio ab Ordinario pronuntiata fuerit ad certum incertumve tempus, coniux innocens ad id non obligatur, nisi ex decreto Ordinarii vel exacto tempore.

• C A N. 1132. Instituta separatione, filii educandi sunt penes coniugem innocentem, et si alter coniugum sit acatholicus, penes coniugem catholicum, nisi in utroque casu Ordinarius pro ipsorum filiorum bono, salva semper eorundem catholica educatione, aliud decreverit.

CAPUT XI. De matrimonii convalidatione.

A R T. I. — De convalidatione simplici.

C A N. 1133. § 1. Ad convalidandum matrimonium irritum ob impedimentum dirimens, requiritur ut impedimentum cesset vel dispensetur, et

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ut consensum renovet saltem pars impedimenti conscia.

§ 2. Haec renovatio consensum iure ecclesiastico requiritur ad validitatem, etiamsi initio utraque pars consensum praestiterit, nec postea revocaverit.

C A N. 1134. Renovatio consensum debet esse novus voluntatis actus in matrimonium quod constet ab initio nullum fuisse.

C A N. 1135. § 1. Si impedimentum sit publicum, consensus ab utraque parte renovandus est forma iure praescripta.

§ 2. Si sit occultum et utrique parti notum, satis est ut consensus ab utraque parte renovetur privatim et secreto.

§ 3. Si sit occultum et uni parti ignotum, satis est ut sola pars impedimenti conscia consensum privatim et secreto renovet, dummodo altera in consensu praestito perseveret.

[*Latin ed. p. 223*]

Book Third - Concerning Canon Law.

1. A marriage that is invalid due to a lack of consent is validated if the party who did not consent now consents, provided that the consent of the other party remains.

2. If the lack of consent was merely internal, it is sufficient for the party who did not consent to internally consent.

3. If the lack of consent was also external, it is necessary to externally manifest the consent, either through the form prescribed by law, if the defect was public, or in another private and secret manner, if it was hidden.

CAN. 1137. A marriage that is null due to a defect in form must be contracted anew with the proper form in order to be valid.

ART. II. - Concerning healing at the root.

CAN. 1138. § 1. The healing at the root of a marriage is its validation, which, besides a dispensation or cessation of an impediment, includes a dispensation from the law regarding the renewal of consent, and a retroaction, through legal fiction, concerning the canonical effects, to the past.

§ 2. The validation takes effect from the moment the grace is granted; the retroaction, however, is understood to have been made to the beginning of the marriage, unless otherwise expressly stated.

§ 3. A dispensation from the law regarding the renewal of consent can also be granted even if one or both parties are unaware.

CAN. 1139. § 1. Any marriage that was begun with the natural consent of both parties, but is juridically ineffective due to a hindering impediment of ecclesiastical law or due to a defect in the proper form, can be healed at the root, provided that the consent persists.

§ 2. However, a marriage contracted with a natural or divine impediment, even if the impediment ceases afterward, the Church does not heal at the

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root, not even from the moment of the cessation of the impediment.

CAN. 1140. § 1. If consent is lacking in either or both parties, the marriage cannot be healed at the root, whether the consent was lacking from the beginning, or whether it was given from the beginning but was subsequently revoked.

§ 2. However, if the consent was lacking from the beginning, but was given afterward, a healing can be granted from the moment the consent was given.

CAN. 1141. The healing at the root can only be granted by the Apostolic See.

[*Latin ed. p. 224*]

Codex Iuris Canonici, CHAPTER XII. Concerning Second Marriages. CANON 1142. Although chaste widowhood is more honorable, second and subsequent marriages are nevertheless valid and licit, according to the firm prescription of canon 1069, § 2. CANON 1143. A woman to whom the solemn blessing has once been given, cannot receive it again in subsequent marriages. TITLE VIII. Concerning Sacramentals. CANON 1144. Sacramentals are things or actions by which the Church, in imitation of the Sacraments, is accustomed to use, in order to obtain effects, especially spiritual ones, from its intercession. CANON 1145. Only the Apostolic See can establish new Sacramentals, or authentically interpret those already received, or abolish or change any of them. CANON 1146. The legitimate minister of Sacramentals is a cleric to whom power has been granted for this purpose, and who has not been prohibited by a competent ecclesiastical authority from exercising it. CANON 1147. § 1. No one who lacks the episcopal character can validly perform consecrations, unless it is permitted to him by law or by apostolic indult. § 2. However, any priest can impart blessings, except those which are reserved to the Roman Pontiff or to Bishops. § 3. A reserved blessing given by a priest without necessary permission is illicit, but valid, unless the Apostolic See has expressed something different in the reservation. § 4. Deacons and readers can validly and licitly bestow only those blessings which are expressly permitted to them by law. CANON 1148. § 1. In performing or administering Sacramentals, the rites approved by the Church must be carefully observed. § 2. Consecrations and blessings, whether constitutive or invocative, are invalid if the formula prescribed by the Church has not been used.

[*Latin ed. p. 225*]

Book Third - Concerning Canon Law.

CAN. 1149. Blessings, which are primarily to be imparted to Catholics, may also be given to catechumens, and, unless prohibited by the Church, even to non-Catholics, for the purpose of obtaining the light of faith, or,

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together with it, bodily health.

CAN. 1150. Things consecrated, or blessed with a constitutive blessing, are to be treated with reverence and are not to be used for profane or improper purposes, even if they are in private property.

CAN. 1151. § 1. No one, endowed with the power to exorcise, may legitimately perform exorcisms on the possessed, unless he has obtained a special and explicit permission from the Ordinary.

§ 2. This permission shall be granted by the Ordinary only to a priest endowed with piety, prudence, and integrity of life; who shall not proceed with exorcisms unless, after diligent and prudent investigation, he has ascertained that the person to be exorcised is truly possessed by a demon.

CAN. 1152. Exorcisms may be performed by legitimate ministers not only on the faithful and catechumens, but also on non-Catholics or excommunicated persons.

CAN. 1153. The ministers of exorcisms which occur in baptism, and in consecrations or blessings, are the same as the legitimate ministers of those sacred rites.

PART SECOND: CONCERNING SACRED PLACES AND TIMES.

SECTION I: Concerning Sacred Places.

CAN. 1154. Sacred places are those which are dedicated to divine worship or to the burial of the faithful, by means of a consecration or blessing, as prescribed by the liturgical books approved for this purpose.

CAN. 1155. § 1. The consecration of a place, although pertaining to the religious order, belongs to the Ordinary of the territory in which the place is located, provided that the Ordinary is marked by the episcopal character; it does not, however, belong to the General Vicar without a special mandate, by firm law of the Holy Roman Church, to consecrate a church and altar of his own title.

ACTA, vol. IX, Part II. 15

[*Latin ed. p. 226*]

Codex Iuris Canonici § 2. The Ordinary of a territory, even if lacking the episcopal character, may grant to any Bishop of the same rite permission to perform consecrations within his territory. CAN. 1156. The right to bless a sacred place, if it pertains to the secular clergy or to a religious institute not exempt, or to the laity, belongs to the Ordinary of the territory in which the place is located; if it pertains to a clerical religious institute exempt, to the Major Superior; both, however, may delegate another priest for this purpose. CAN. 1157. Notwithstanding any privilege, no one may consecrate or bless a sacred place without the consent of the Ordinary. CAN. 1158. After the consecration or blessing has been performed, a document should

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be drawn up, of which one copy shall be kept in the episcopal curia, and the other in the archives of the church. CAN. 1159. § 1. The consecration or blessing of a place, provided that no harm is done to anyone, is sufficiently proven even by one witness, to the exclusion of all other means. § 2. If it is legitimately established, neither the consecration nor the blessing can be repeated; however, if there is doubt, it should be performed as a precaution. CAN. 1160. Sacred places are exempt from the jurisdiction of civil authority, and within them, the legitimate authority of the Church freely exercises its jurisdiction. TITLE IX. Concerning Churches. CAN. 1161. By the name "church" is understood a sacred building dedicated to divine worship, primarily for the purpose of being of use to all the Christian faithful for the public exercise of divine worship. CAN. 1162. § 1. No church shall be built without the express consent of the Ordinary of the place, given in writing, which, however, the Vicar General may not grant without a special mandate. § 2. The Ordinary shall not grant consent unless he has prudently foreseen that the necessary resources will not be lacking for the construction and maintenance of the new church, for the support of the clergy, and for other expenses of worship. § 3. In order that a new church may not cause detriment to other churches already existing, unless it is compensated for by a greater spiritual benefit to the faithful, the Ordinary, before granting consent, shall...

[*Latin ed. p. 227*]

Book Third - Concerning matters which require the consent of the pastors of neighboring churches, whose concurrence is required, according to the firm prescription of canon 1676, § 4. Even religious members, although they have obtained the consent for the founding of a new house in a diocese or city from the local Ordinary, must, before erecting a church or public chapel in a certain and determined place, obtain the license of the local Ordinary. CANON 1163. To bless and to lay the first stone of a church, pertains to those mentioned in canon 1156. CANON 1164, § 1. The Ordinaries should see to it, after hearing, if it is necessary, the counsel of experts, that the forms received from Christian tradition and the laws of sacred art are observed in the construction or restoration of churches. § 2. In a church, no entrance or window shall be opened towards the houses of lay people; and places, if they exist, beneath the floor of the church or above the church, shall not be used for purely profane purposes. CANON 1165, § 1. Divine services cannot be celebrated in a new church before the same has been dedicated either by solemn consecration or at least by a blessing for divine worship. § 2. If it is prudently foreseen that the church will be converted to profane uses, the Ordinary should not grant permission for its construction, or at least, if it has been built, he should not consecrate it nor bless it. § 3. Cathedrals and, as far as possible, collegiate, conventual, and parochial churches are dedicated by solemn consecration. § 4. A church made of

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wood or iron or another metal can be blessed, but not consecrated. § 5. An altar can be consecrated even without the consecration of the church; but at least the main altar should be consecrated along with the church, or the secondary altar, if the main altar has already been consecrated. CANON 1166, § 1. The consecration of churches, although it can be performed on any day, is more fittingly carried out on Sundays or other days of precept. § 2. The bishop who is consecrating and those who are requesting that a church be consecrated by him, should fast on the day preceding the consecration. § 3. When a church or altar is consecrated, the consecrating bishop grants an indulgence of one year to those who visit the church or altar on the very day of the consecration; on the anniversary, fifty days, if he is a bishop; one hundred, if he is an archbishop; two hundred, if he is a Cardinal of the Holy Roman Church. CANON 1167. The feast of the consecration of a church should be celebrated annually according to the norms of the liturgical laws.

[*Latin ed. p. 228*]

228 Codex Iuris Canonici CAN. 1168. § 1. Quaelibet ecclesia consecrata vel benedicta debeat habere suum titulum; qui, postquam ecclesiae dedicatio perfecta est, mutari non potest. § 2. Etiam festum tituli quotannis celebretur secundum normas legum liturgicarum. § 3. Ecclesiae dedicari Beatis non possunt sine indulto Sedis Apostolicae. CAN. 1169. § 1. Quolibet ecclesiae convenit habere campanas, quibus fideles ad divina officia et alias actiones religionis invitentur. § 2. Etiam campanae ecclesiarum debent consecrari vel benedici secundum ritus in probatis libris liturgicis traditis. § 3. Eorum usus unice subest auctoritati ecclesiasticae. § 4. Salvis conditionibus, probante Ordinario, et conditionibus ab illis qui campanam ecclesiae dederint, campana benedicta ad usus mere profanos adhiberi non potest, nisi ex causa necessitatis aut ex licentia Ordinarii aut denique ex legitima consuetudine. § 5. Quod ad consecrationem vel benedictionem campanarum attinet, servetur praescriptum can. 1155, 1156. CAN. 1170. Consecratio vel benedictio ecclesia non amittitur, nisi tota destructa fuerit, vel maior pars parietum corruerit, vel in usus profanos ab Ordinario loci redacta sit, secundum normam can. 1187. CAN. 1171. In sacra aede legitime dedicata omnes ecclesiastici ritus perfici possunt, salvis iuribus paroecialibus, privilegiis et legitimis consuetudinibus; Ordinarius autem, praesertim horas sacrorum rituum, potest, iusta de causa, praefinire, dummodo ne agatur de ecclesia quae ad religionem exemptam pertineat, firmo praescripto can. 6Ò9, § 3. CAN. 1172. § 1. Ecclesia violatur infra recensitis tantum actibus, dummodo certi sint, notorii, et in ipsa ecclesia positi: 1.° Delicto homicidii; 2.° Iniuriosa et gravi effusione sanguinis; 3.° Impiis vel sordidis usibus, quibus ecclesia addicta fuerit; 4.° Sepultura infidelis vel excommunicati post sententiam declaratoriam vel condemnatoriam. § 2. Violata ecclesia, non ideo coemeterium, etsi contiguum, violatum censetur, et viceversa. CAN. 1173. § 1. In violata ecclesia, antequam reconcilietur, nefas est divina celebrare officia,

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Sacramenta ministrare, mortuos sepelire.

[*Latin ed. p. 229*]

Book Third • Concerning Matters pertaining to the faithful, Canon 229 § 2. If a desecration occurs during the time of divine services, these must immediately cease; if it occurs before the canon of the Mass, the Mass is dismissed; otherwise, the priest continues the Mass until the distribution of Holy Communion.

CANON 1174. § 1. The desecrated church must be reconciled, as soon as possible, according to the rites described in approved liturgical books.

§ 2. If there is doubt as to whether the church has been desecrated, it may be reconciled as a precaution.

CANON 1175. A desecrated church should not be reconciled for the burial of an excommunicated person or an unbeliever, unless the body is removed from within, if such removal can be done without serious inconvenience.

CANON 1176. § 1. The rector of the church, or any priest with the presumed consent of the rector, can reconcile a blessed church.

§ 2. The valid reconciliation of a consecrated church extends to those concerning whom mention is made in Canon 1156.

§ 3. However, in a case of grave and urgent necessity, if the Ordinary cannot be reached, it is permissible for the rector of a consecrated church to perform the reconciliation himself, to be followed later by notification to the Ordinary.

CANON 1177. The reconciliation of a blessed church can be performed with ordinary holy water; the reconciliation of a consecrated church, however, must be performed with water blessed specifically for this purpose, according to liturgical laws; which, however, can be blessed not only by Bishops, but also by priests who are reconciling the church.

CANON 1178. Let all those to whom it pertains take care that that cleanliness be maintained in the churches which is fitting for the house of God; let all negotiations and markets be kept away from them, even if they are held for pious purposes; and generally, let everything be excluded which is foreign to the sanctity of the place.

CANON 1179. The church enjoys the right of asylum, so that those who have taken refuge within it should not be removed from there; unless necessity demands it, without the consent of the Ordinary, or at least of the rector of the church.

CANON 1180. No church can be adorned with the title of basilica, unless by apostolic concession or by an unchangeable custom; and the privileges of each are derived from either of these sources.

CANON 1181. Entrance into the church for the purpose of sacred rites

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must be entirely free of charge, any contrary custom being condemned.

[*Latin ed. p. 230*]

230 Code of Canon Law CAN. 1182. § 1. In accordance with the firm prescription of canons 1519-1528, the administration of goods destined for the repair and embellishment of the church, and for the exercise of divine worship therein, pertains, unless otherwise specified by a special law or legitimate custom, to the Bishop with the Chapter, if it concerns the cathedral church; to the Chapter of the collegiate church, if it concerns a collegiate church; to the pastor, if it concerns another church. § 2. Even offerings made for the benefit of a parish or mission, or of a church located within the boundaries of a parish or mission, are administered by the pastor or missionary, unless it concerns a church having its own administration, distinct from the administration of the parish or mission, or unless a special law or legitimate custom provides otherwise. § 3. The pastor, missionary, or secular administrator of a church, whether secular or religious, must administer such offerings in accordance with the sacred canons, and must render an account of them to the local Ordinary in accordance with canon 1525. CAN. 1183. § 1. If others, whether clerics or laity, are co-opted into the administration of the goods of a church, all of them, together with the ecclesiastical administrator mentioned in canon 1182, or his representative, and under his presidency, constitute the Church Building Council. § 2. The members of this Council, unless otherwise legitimately established, are appointed by the Ordinary and his delegate, and may be removed by the same for a serious reason. CAN. 1184. The Church Building Council must take care of the proper administration of the church's goods, observing the prescriptions of canons 1522 and 1523; but it must in no way interfere in those matters which pertain to the spiritual ministry, especially: 1.° In the exercise of worship in the church; 2.° In the manner and time of ringing the bells, and in the care of maintaining order in the church and in the cemetery; 3.° In determining the manner in which collections, announcements, and other acts pertaining to the divine worship and the embellishment of the church may be carried out in the church; 4.° In the arrangement of the material for the altars, the table for the distribution of the most holy Eucharist, the chairs or pulpit from which words are addressed to the people, the organs, the place assigned to the singers, the benches, the stalls, the receptacles for offerings, and other things pertaining to the exercise of religious worship; 5.° In the admission or rejection of sacred vessels and other things destined for use, worship, or adornment in the church or sacristy; 6.° In the recording, arrangement, and custody of parish books and other documents pertaining to the parish archive.

[*Latin ed. p. 231*]

Book Third - Concerning Canon Law.

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CAN. 231 1185. The sacristan, singers, the person in charge of the organ, choir boys, the bell-ringer, those who dig graves, and other servants of the rector of the parish church, are appointed, suspended, and dismissed, with due regard to legitimate customs and agreements, and with the authority of the Ordinary.

CAN. 1186. With due regard to particular, legitimate customs and agreements, and to the firm obligation that pertains to someone, even by virtue of the established civil law:

1.° The burden of repairing the cathedral church falls upon the following: the funds of the fabric, saving that portion which is necessary for the celebration of divine worship and for the ordinary administration of the church; the Bishop and the canons, in proportion to the revenues, after deducting the necessities for their honest support; the diocesans, whom the Ordinary of the place, rather by persuasion than by coercion, should encourage to provide the necessary expenses, according to their means;

2.° The burden of repairing the parish church falls upon the following: the funds of the fabric of the church, as above; the patron; those who receive some fruits from the church according to a scale proportionate to the revenues, to be established by the Ordinary; the parishioners, whom the Ordinary of the place, as above, should encourage rather than compel;

3.° These things must be observed with due proportion with regard to other churches as well.

CAN. 1 187. If any church cannot in any way be used for divine worship, and all access to it is closed for its repair, it can be converted by the Ordinary of the place to a profane, but not sordid, use, and the burdens, with the revenues and title, of the parish, if the church is a parish church, are transferred by the same Ordinary to another church.

TITLE X. Concerning Oratories.

CAN. 1188. § 1. An oratory is a place dedicated to divine worship, not, however, primarily for the purpose of being of use to the entire faithful people for the public worship of religion.

§ 2. An oratory is:

1.° Public, if it is especially erected for the benefit of a college or even of private individuals, but in such a way that it is open to all the faithful, at times...

[*Latin ed. p. 232*]

The Code of Canon Law states that chapels are of three kinds: 1. Those pertaining to divine offices, which, if lawfully established, have the right to be entered; 2. Semi-public chapels, which are erected for the benefit of a particular community or group of faithful and to which access is not free to all; 3. Private or domestic chapels, which are erected in private dwellings for the benefit of a single family or private individual.

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CAN. 1189. Chapels of the Holy Roman Church, whether belonging to Cardinals or Bishops, whether residential or titular, although private, nevertheless enjoy all the rights and privileges to which semi-public chapels are entitled.

CAN. 1190. Small chapels erected in cemeteries by families or private individuals for their own burial are considered private chapels.

CAN. 1191. § 1. Public chapels are governed by the same laws as churches.

§ 2. Therefore, in a public chapel, provided it has been dedicated to the public worship of God perpetually through blessing or consecration, according to canons 1155 and 1156, all sacred functions may be celebrated, unless otherwise prescribed by the rubrics.

CAN. 1192. § 1. Semi-public chapels cannot be erected without the permission of the Ordinary.

§ 2. The Ordinary shall not grant this permission unless he, or another ecclesiastical person, has first visited the chapel and found it to be properly equipped.

§ 3. Once permission has been granted, the chapel cannot be converted to profane uses without the authority of the same Ordinary.

§ 4. In colleges or boarding schools for young people, in gymnasiums, lycées, barracks, military posts, prisons, hostels, etc., besides the main chapel, other smaller chapels shall not be erected unless, in the judgment of the Ordinary, necessity or great utility requires it.

CAN. 1193. In legitimately erected semi-public chapels, all divine offices and ecclesiastical functions may be celebrated, unless the rubrics or the Ordinary prescribe otherwise.

CAN. 1194. In private chapels in cemeteries, of which mention is made in canon 1190, the Ordinary of the place may habitually permit the celebration of several Masses; in other domestic chapels, only one Mass may be celebrated, as an exception, in some extraordinary case, for a just and reasonable cause; but the Ordinary shall not grant these permissions unless in accordance with canon 1192, § 2.

[*Latin ed. p. 233*]

Book Third - Concerning Matters 23S CAN. 1 1 9 5. § 1. In domestic chapels, by concession of the Apostolic See, the Holy Mass may be celebrated, unless otherwise expressly stipulated in the same concession, after the Ordinary has visited the chapel and approved it according to canon 1 1 9 2, § 2, with a single Mass, which shall be celebrated each day, except on more solemn feasts; but no other ecclesiastical functions shall be performed therein. § 2. The Ordinary, provided that just and reasonable causes are present, and different from those for which the concession was granted, may permit the celebration of the Holy Mass even on more solemn feasts,

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in the manner of a Mass. CAN. 1 1 9 6. § 1. A domestic chapel cannot be consecrated nor blessed in the manner of churches. § 2. It is permissible for a domestic or semi-public chapel to be given a common blessing of places or no blessing at all; however, it must be reserved solely for divine worship and be free from all domestic uses. TITLE XI. Concerning Altars. CAN. 1197. § 1. In the liturgical sense, it is understood as: 1.° By the name "altar," a fixed or immovable table, together with the supports, as one, consecrated with the same rite; 2.° By the name "altar," a small, usually stone, portable altar, which is consecrated alone, and which is also called a portable altar or a sacred stone; or the same stone with a support, which, however, was not consecrated together with it. § 2. In a consecrated church, there must be at least one immovable altar, especially a larger one; in a blessed church, all altars may be portable. CAN. 1 1 9 8. § 1. Both the table of an immovable altar and the sacred stone must consist of a single, natural, intact, and non-friable stone. § 2. In an immovable altar, the stone table or surface must extend to the entire altar, and be properly joined to the support; the support, however, must be made of stone, or at least the sides or columns by which the table is supported must be made of stone. § 3. The sacred stone must be wide enough to hold at least the Host and the greater part of the chalice. § 4. Both in the immovable altar and in the sacred stone, there must be, according to the liturgical laws, a reliquary containing the relics of the Saints, enclosed with stone. CAN. 1 1 9 9. § 1. In order that the Sacrifice of the Mass may be celebrated upon it, the altar must be consecrated, according to the liturgical laws; that is, either the entire altar, if it is an immovable altar, or only the portable altar, if it is a portable altar.

[*Latin ed. p. 234*]

234. Codex Iuris Canonici § 2. Omnes Episcopi, salva peculiari privilegiis, aras portabiles consecrare possunt; quod vero spectat ad altaria immobilia, servetur praescriptum can. 1155. § 3. Consecratio altaris immobilis, quae fit sine dedicatione ecclesiae, quamvis omni die fieri possit, magis tamen decet ut fiat die dominico aliove festo de praecepto.

CAN. 1200. § 1. Altare immobile amittit consecrationem, si tabula seu mensa a stipite, etiam per temporis momentum, separetur; quo in casu Ordinarius potest permittere ut presbyter altaris consecrationem rursus perficiat ritu formulaqne breviore. § 2. Tum altare immobile tum petra sacra amittunt consecrationem: 1.° Si frangantur enormiter sive ratione quantitatis fractionis sive ratione loci unctionis; 2.° Si amoveantur reliquiae aut frangatur vel amoveatur sepulcri operculum, excepto casu quo ipse Episcopus vel eius delegatus operculum amoveat ad illud firmandum vel reparandum vel subrogandum, aut ad visitandas reliquias. § 3. Levis fractio operculi non inducit exsecrationem et quilibet sacerdos potest rimulam cemento firmare. § 4. Exsecratio ecclesiae non secumfert exsecrationem altarium sive immobilium sive mobilium; et viceversa.

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CAN. 1201. § 1. Sicut ecclesia, ita quodlibet etiam ecclesiae altare, saltem immobile, proprium sibi titulum habeat. § 2. Titulus primarius altaris maioris idem debet esse ac titulus ecclesiae. § 3. De Ordinarii licentia mutari quidem potest altaris mobilis, non autem altaris immobilis titulus. § 4. Altaria Beatis etiam in ecclesiis et oratoriis quibus eorum officium et Missa concessa sunt, dedicari nequeunt sine Sedis Apostolicae indulto.

CAN. 1202. § 1. Altare tum immobile tum mobile debet esse divinis tantum officiis et praesertim Missae celebrationi reservatum, quolibet profano usu prorsus excluso. § 2. Subtus altare nullum sit reconditum cadaver; cadavera autem quae prope altare sepulta forte sunt, distent ab eo saltem spatio unius metri; secus Missam in altari celebrare non licet, donec cadaver removeatur.

[*Latin ed. p. 235*]

Book Third - On Matters 235 TITLE XII. On ecclesiastical burial. CANON 1203. § 1. The bodies of deceased faithful are to be buried, and their cremation is to be condemned. § 2. If anyone should in any way order that his body be cremated, it is unlawful to carry out this will; and if it has been added to a contract, a will, or any other act, it is to be considered as not having been added. CANON 1204. Ecclesiastical burial consists in the translation of the corpse to the church, the celebration of the funeral rites over it in the same place, and its deposition in a place lawfully designated for the burial of the deceased faithful. CHAPTER Concerning cemeteries. CANON 1205. § 1. The bodies of the faithful are to be buried in a cemetery which, according to the rites handed down in approved liturgical books, has been blessed, either with a solemn or a simple blessing, by those mentioned in canons 1155 and 1156. § 2. In churches, bodies are not to be buried, unless it concerns the bodies of resident Bishops, Abbots, or Prelates who are not to be buried in their own church, or of the Roman Pontiff, of royal persons, or of Cardinals of the Holy Roman Church. CANON 1206. § 1. It is the right of the Catholic Church to possess its own cemeteries. § 2. Where this right of the Church is violated, and there is no hope that the violation will be remedied, let the local Ordinary take care that cemeteries, even if belonging to a civil society, are blessed, if, of those who are usually buried in them, the majority are Catholics, or at least that Catholics have a space in them, and that this space is blessed and reserved for them. § 3. If even this cannot be obtained, let each individual tomb be blessed as often as possible, according to the rites handed down in approved liturgical books. CANON 1207. The canons which prescribe concerning interdict, violation, and reconciliation of churches are also to be applied to cemeteries. CANON 1208. § 1. Each parish should have its own cemetery, unless one common cemetery has been lawfully established by the local Ordinary for several parishes. § 2. Religious exempt from common governance may have their

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own cemetery, distinct from the common cemetery.

[*Latin ed. p. 236*]

236. Codex Iuris Canonici § 3. Etiam aliis personis moralibus vel familiis privatis potest ab Ordinario loci concedi sepulcrum speciale, extra commune coemeterium collocatum, et ad similitudinem coemeterii benedictum. CAN. 1209. § 1. Tum in coemeteriis paroecialibus, ex licentia scripta Ordinarii loci eiusve delegati, tum in coemeterio proprio, alius personae moralis, ex licentia scripta Superioris, fideles sibi suisque construere possunt sepulcra particularia; quae, de consensu eiusdem Ordinarii aut Superioris, possunt quoque alienari. § 2. Sepulcra sacerdotum et clericorum, ubi fieri potest, a sepulcris laicorum separata sint ac decentiore loco sita; praeterea, ubi id commodum fuerit, alia pro sacerdotibus, alia pro inferioris ordinis Ecclesiae ministris praeveniantur. § 3. Etiam corpuscula infantium, quatenus commode fieri potest, speciales et separatos ab aliis loculos et sepulturas habeant. CAN. 1210. Quilibet coemeterium sit undique apte clausum et caute custoditum. CAN. 1211. Caveant Ordinarii locorum, parochi ac Superiores, ad quos spectat, ne in coemeteriis epitaphia, laudationes funebres ornatusque monumentorum quidquam prae se ferant a catholica religione ac pietate alienum. CAN. 1212. Praeter coemeterium benedictum, alius, si haberi queat, sit locus, clausus item et custoditus, ubi ii sepeliantur quibus sepultura ecclesiastica non conceditur. CAN. 1213. Nullum corpus sepeliatur, praesertim si mors repentina fuerit, nisi post congruum temporis intervallum, quod satis sit ad omnem prorsus de vero obitu dubitationem tollendam. CAN. 1214. § 1. Nullum cadaver perpetuae sepulturae ecclesiasticae ubivis traditum exhumare licet, nisi de licentia Ordinarii. § 2. Ordinarius licentiam nunquam concedat, si cadaver ab aliis corporibus certo discerni nequeat. CAPUT II. De cadaveris translatione ad ecclesiam, funere ac depositione. CAN. 1215. Nisi gravis causa obstet, cadavera fidelium, antequam tumulentur, transferenda sunt e loco in quo reperiuntur, in ecclesiam, ubi funus, idest totus ordo exsequiarum quae in probatis liturgicis libris describuntur, persolvatur.

[*Latin ed. p. 237*]

Book Third - Concerning Matters 237

CAN. 1216. § 1. The church to which the body is to be transferred for burial shall, according to the law, be the church of the deceased's own parish, unless the deceased has legitimately chosen another church for burial.

§ 2. If the deceased has more than one parish, the church for burial shall be the church of the parish in whose territory the death occurred.

CAN. 1217. In cases of doubt concerning the right of another church, the right of the deceased's own parish church shall always prevail.

CAN. 1218. § 1. Even if death occurs outside the deceased's own parish,

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the body shall nevertheless be transferred to the church of the parish that is nearest, for burial, if it can be conveniently transported there on foot; otherwise, to the church of the parish in which the death occurred.

§ 2. It is the duty of the Ordinary, for his territory, taking into account particular circumstances, to determine the distance and other factors that would make the transfer of the body to the church for burial or to the place of burial inconvenient; and if the parishes belong to different dioceses, the determination shall take into account the Ordinary of the diocese in which the deceased breathed his last.

§ 3. Even if the transfer to the church for burial or to the place of burial is inconvenient, it is always permissible for the family, heirs, or others interested, to transport the body there, bearing the expenses of the transfer.

CAN. 1219. § 1. If a Cardinal of the Holy Roman Church dies in the City, the body shall be transferred, for the purpose of burial, to the church designated by the Roman Pontiff; if outside the City, to the more important church of the city or place where the death occurred, unless the Cardinal has chosen another.

§ 2. In the case of a deceased Bishop holding also the dignity of Cardinal, or an Abbot or Prelate of the rank of Protonotary, the body shall be transferred, for the purpose of burial, to the cathedral church, abbatial church, or prelature, if it can be conveniently done; otherwise, to the more important church of the city or place, unless in either case the deceased has chosen another church.

CAN. 1220. Those holding benefices *in commendam* shall be transferred to the church of their benefice, unless they have chosen another church for burial.

CAN. 1221. § 1. Religious and novices, when they die, shall be transferred, for the purpose of burial, to the church or chapel of their house, or at least of their religious order, unless the novices have chosen another church for their burial; the right, however, of removing the body and of taking it to the church for burial always belongs to the Superior of the religious order.

[*Latin ed. p. 238*]

238 Code of Canon Law § 2. If they die far from the house, so that they cannot conveniently be transported to the church of their domicile or at least of their religion, they are to be buried in the church of the parish where they died, unless a religious chooses another church for the funeral, and with due regard for the rights of Superiors, as mentioned in can. 1218, § 3. § 3. What is said above concerning religious applies also to lay servants and those who reside permanently within the religious house; however, if they die outside the religious house, they are to be buried according to canons 1216-1218. CAN. 1222. With regard to the deceased who were in the house, either as guests, for education, or because of infirmity, and to the deceased

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in the hospital, the canons 1216-1218 are to be observed, unless a particular law or privilege states otherwise; but with regard to those who die in the Seminary, the prescription of can. 1368 is to be observed. CAN. 1223. § 1. Everyone is permitted, unless expressly prohibited by law, to choose the church for their funeral or the cemetery for burial. § 2. The spouse and adult children are entirely exempt from marital or parental authority in this choice. CAN. 1224. The following are prohibited from choosing the church or cemetery for burial: 1.° Minors; however, for a minor child, even after their death, the parents or guardian may make this choice; 2.° Religious of any order or rank, unless they are Bishops. CAN. 1225. In order for the choice of a church for the funeral to be valid, it must be either a parish church, or a church of a religious order, but not of nuns (unless it concerns women who, for the purpose of service, education, infirmity, or hospitality, reside permanently within the enclosure of that monastery), or a church of patronal right, if it concerns the patron, or another church that has the right to hold funerals. CAN. 1226. § 1. Anyone may choose a church or cemetery for burial, either personally or through another to whom they have given a legitimate mandate; and the choice made, or the granting of the mandate, may be proven in any legitimate way. § 2. If the choice is made through another, this person may fulfill their mandate even after the death of the person who gave the mandate. CAN. 1227. Religious and secular clergy are strictly forbidden to induce anyone to vow, swear, or promise, under any pretext, to be buried in their church or cemetery.

[*Latin ed. p. 239*]

Book Third - On Matters 239, they shall choose, or they shall not change a choice already made; and if the contrary has occurred, the choice or change is null. CAN. 1228. § 1. If a burial is chosen in a cemetery different from the cemetery of the deceased's own parish, the body shall be buried in that cemetery, provided that nothing prevents it from the part of those to whom the cemetery belongs. § 2. For a burial in a religious cemetery to be permitted, so that the body may be buried there, the consent of the Superior of the religious order is required and suffices, according to the constitutions of each religious order. CAN. 1229. § 1. If someone, possessing a family tomb in a certain cemetery, dies without having chosen another burial place, he shall be buried in that tomb, if it can be conveniently transported there, saving the prescription of can. 1218, § 3. § 2. For the wife, the husband's tomb is considered; and if he has more than one, the tomb of the last. § 3. If there are several tombs of ancestors or of the husband, the deceased's family or heirs shall choose the place of burial. CAN. 1230. § 1. The deceased's own parish priest has not only the right but also the duty, except in cases of grave necessity, to take up the body himself or through another, to accompany it to his parish church, and to perform the funeral rites there, firmly according to the prescription of can. 1216, § 2. §

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2. If death occurs in a place belonging to another parish, and the body can be conveniently transported to the parish church of the deceased's own parish, it is the duty of the parish priest of the deceased to take it up, to accompany it to his church, and to perform the funeral rites there, after informing the parish priest of the place. § 3. If the church where the funeral is to be held is a regular church or another exempt from the jurisdiction of the parish priest, the parish priest, under the cross of the church where the funeral is to be held, takes up the body and brings it to the church; but the pastor of the church celebrates the funeral rites. § 4. If, however, the church where the funeral is to be held is not exempt from the jurisdiction of the parish priest, the celebration of the funeral rites, unless a special privilege exists, belongs not to the pastor of the church where the funeral is to be held, but to the parish priest in whose territory the church is located, provided that the deceased was subject to that parish priest. § 5. Religious persons who die in a religious house shall be taken to the threshold of the cloister by other religious persons; and then, if they are religious persons who are not subject to the jurisdiction of a parish priest, they shall be taken to the church or oratory of their own religious house and the funeral rites shall be performed by the chaplain; if they are other religious persons, the prescription of § 1 applies; and as for religious persons who die outside the house, the general prescriptions of the canons shall be observed. § 6. For a deceased Cardinal or Bishop of the Holy Roman Church who dies outside the city in the episcopal city, the prescription of can. 397, n. 3, shall be observed. § 7. If the body is sent to a place where the deceased did not have his own parish, nor was a church legitimately chosen for the funeral, the right to take up the body, to perform the funeral rites, if they are to be performed, and to bury the body belongs to the parish priest of the place where the body is sent.

[*Latin ed. p. 240*]

240 The Code of Canon Law concerning the carrying of the body pertains to the cathedral church of that place; which if it is lacking, pertains to the parish church in which the cemetery is located, unless otherwise stipulated by local custom or diocesan statutes. CAN. 1231. § 1. After the funeral rites have been performed in the church, the body must be buried according to the norms of the liturgical books in the cemetery of the church, with the exceptions stated in canons 1228 and 1229. § 2. He who performed the funeral rites in the church has not only the right, but also the duty, except in cases of grave necessity, to accompany the body, either personally or through another priest, to the place of burial. CAN. 1232. § 1. The priest who accompanies the body to the church cemetery or to the place of burial may freely pass, even with the stole and the elevated cross, through the territory of another parish or diocese, even without the permission of the parish priest or Ordinary. § 2. If the body is to be buried in a cemetery to

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which it cannot be conveniently transported, the parish priest or rector of the church cemetery may not claim the right to accompany it outside the boundaries of the city or locality, CAN. 1233. § 1. The parish priest may not, without a just and serious reason approved by the Ordinary, exclude secular clergy, religious, and pious associations who wish to accompany the family or heirs in carrying the body to the church cemetery and to the burial, and in attending the funeral; however, the clergy themselves who are attached to the church must be invited by the family or heirs above all others. § 2. Societies or emblems manifestly hostile to the Catholic religion are never permitted. § 3. Those accompanying the body are obliged to observe the customs of the parish priest regarding the conduct of the funeral, with due regard for the rights of each. § 4. Lay people must not carry the body, whatever its origin or dignity may be. CAN. 1234. § 1. The Ordinary of each place shall prepare, with the advice of the cathedral chapter, and if they deem it appropriate, of the vicars forane of the diocese and the parish priests of the episcopal city, a list of funeral fees or alms for their territory, taking into account legitimate local customs and all circumstances of persons and places; and in this list, they shall moderately determine the rights for each case, so that every opportunity for contention and scandal may be removed. § 2. If several classes are listed in the list, it is permissible for those concerned to choose the class. CAN. 1235. § 1. It is strictly prohibited for anyone to demand anything beyond what is established in the diocesan list of fees.

[*Latin ed. p. 241*]

Book Third - On Matters 241 § 2. The poor shall be buried and interred entirely and decently, with the rites, according to the liturgical laws and diocesan statutes, prescribed. CAN. 1236. § 1. Unless otherwise provided by particular law, whenever a deceased person is not buried in his own parish church, a portion is due to the parish priest of the parish of the deceased, except in the case where the body cannot be conveniently transported to the church of his own parish. § 2. If someone has several parishes to which the body could be conveniently transported, and is buried elsewhere, the parish portion is to be divided among all the parish priests. CAN. 1237. § 1. The parish portion is to be deducted from all and only from the emoluments that are established for burial and interment in the diocesan assessment. § 2. If, for any reason, the solemn funeral office is not performed immediately, but within a complete month from the day of burial, even if public offices were not lacking on that day, the parish portion is nevertheless due from the emoluments of this funeral. § 3. The amount of the parish portion is determined in the diocesan assessment; and if the parish church and the church where the burial takes place belong to different dioceses, the amount of the parish portion is considered according to the assessment of the church where the burial takes place. CAN. 1238.

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After the burial is completed, the minister shall record in the book of the dead the name and age of the deceased, the name of the parents or spouse, the time of death, who and what sacraments were administered, the place and time of burial. CHAPTER III. On those to whom ecclesiastical burial is to be granted or denied. CAN. 1239. § 1. Those who have died without baptism are not to be admitted to ecclesiastical burial. § 2. Catechumens who die without baptism through no fault of their own are to be cremated. § 3. All who have been baptized are to be granted ecclesiastical burial, unless they are expressly deprived of it by law. CAN. 1240. § 1. Ecclesiastical burial is denied, unless before death they have given signs of penance: 1.° Those who have notoriously apostatized from the Christian faith, or who are notoriously addicted to heretical or schismatic sects, or to Masonic societies or other societies of the same kind; ACTA, vol. IX, Part II, 16.

[*Latin ed. p. 242*]

Codex Iuris Canonici

2.°. Excommunicated or interdicted persons, after a condemnatory or declaratory sentence;

3.°. Those who have killed themselves with deliberate intent;

4.°. Those who have died in a duel or from a wound resulting therefrom;

5.°. Those who have ordered their bodies to be cremated;

6.°. Other public and manifest sinners.

§ 2. In any of the aforementioned cases, if doubt arises, consultation should be sought, if time permits, from the Ordinary; if doubt persists, the body should be given ecclesiastical burial, provided that scandal is removed.

CAN. 1241. To those excluded from ecclesiastical burial, the following are also to be denied: any funeral Mass, even anniversary Masses, and other public funeral services.

CAN. 1242. If it can be done without serious inconvenience, the body of an excommunicated person, who, contrary to the prescriptions of the canons, has obtained burial in a sacred place, should be exhumed, observing the prescription of canon 1214, § 1, and reburied in a profane place, as described in canon 1212.

SECTION II. Concerning Sacred Times.

CAN. 1243. Sacred times are the feast days; and to these are added days of abstinence and fasting.

CAN. 1244. § 1. It belongs to the supreme ecclesiastical authority to establish, transfer, or abolish feast days, as well as days of abstinence and fasting, for the entire Church.

§ 2. Ordinaries of particular places may, by a simple act, indicate feast days or days of abstinence and fasting for their own dioceses or places.

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CAN. 1245. § 1. Not only the Ordinaries of particular places, but also the parish priests, in particular cases and for just reasons, may grant a dispensation to individual faithful under their care, even outside the territory, and also to pilgrims within their territory, from the common law regarding the observance of feast days, as well as from the observance of abstinence and fasting, or even from both.

§ 2. The Ordinaries, for a special reason of a large gathering of people or of public health, may also grant a dispensation to the entire diocese or place from fasting and from abstinence, or even from both together.

§ 3. In religious orders exempt from ordinary jurisdiction, the same power of granting dispensation is held.

[*Latin ed. p. 243*]

Book Third - Concerning matters pertaining to superiors in the manner of a parish priest, with regard to persons, as mentioned in can. 514, § 1. CAN. 1246. The calculation of the day of the feast, as well as the day of abstinence and fasting, is to be made from midnight to midnight, with the exception of the prescription in can. 923. TITLE XIII. Concerning the days of feasts. CAN. 1247. § 1. The days of feasts which are obligatory throughout the entire Church are only: All and each of the Lord's Days, the feasts of the Nativity, Circumcision, Epiphany, Ascension, and of the Most Holy Body of Christ, of the Immaculate Conception and Assumption of the most Blessed Virgin Mary, the Mother of God, of Saint Joseph, her spouse, of the Blessed Apostles Peter and Paul, and finally, of All Saints. § 2. The days of the Patrons are not subject to ecclesiastical obligation; however, the Ordinary of a place may transfer the external solemnity to the nearest following Sunday. § 3. If any feast from the list has been legitimately abolished or transferred, nothing should be altered without the knowledge of the Apostolic See. CAN. 1248. On the days of feasts which are obligatory, Mass must be attended; and one must abstain from servile works, from legal acts, and also, unless legitimate customs or special indulgences prescribe otherwise, from public markets, fairs, and other public purchases and sales. CAN. 1249. One satisfies the law concerning attending the Holy Mass if he is present at a Mass celebrated by any Catholic rite and in any public or semi-public church or oratory, and in the private chapels of cemeteries, as mentioned in can. 1190, but not in other private oratories, unless this privilege has been granted by the Apostolic See. TITLE XIV. Concerning abstinence and fasting. CAN. 1250. The law of abstinence forbids eating meat and, by right, dishes made with meat, but not eggs, dairy products, and any condiments, even those made from animal fat. CAN. 1251. § 1. The law of fasting prescribes that only one meal be taken during the day; but it does not forbid taking some food in the morning and evening, provided that the established custom of the place is observed concerning the quantity

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and quality of the food.

[*Latin ed. p. 244*]

Code of Canon Law § 2. It is not forbidden to mix meats and fish in the same meal; nor is it permitted to exchange the evening meal with the midday meal.

CAN. 1252. § 1. The law of abstinence alone is to be observed on all days of fasting.

§ 2. The law of abstinence, together with the law of fasting, is to be observed on the fourth day of Lent, on the days of fasting, and on the Saturdays of Lent and of the four seasons, on the vigils of Pentecost, of the Assumption of the Blessed Virgin Mary, of All Saints' Day, and of the Nativity of the Lord.

§ 3. The law of fasting alone is to be observed on all the remaining days of Lent.

§ 4. On Sundays or on holy days of precept, the law of abstinence, or of abstinence and fasting, or of fasting alone, is lifted; nor is the vigil anticipated; likewise, it is lifted on Holy Saturday after midday.

CAN. 1253. These canons do not alter any particular indulgences, any vows of any person, physical or moral, any constitutions and rules of any religious institute, of men or of women living in common, even without vows.

CAN. 1254. § 1. All those who have completed the seventh year of age are bound by the law of abstinence.

§ 2. All those who have completed the twenty-first year of age and have not yet reached the sixtieth year of age are bound by the law of fasting.

PART THIRD CONCERNING DIVINE WORSHIP

CAN. 1255. § 1. Worship of latria is due to the Most Holy Trinity, to each Person of it, to Christ the Lord, even under the sacramental species; worship of hyperdulia is due to the Blessed Virgin Mary; and worship of dulia is due to those who, with Christ, reign in heaven.

§ 2. Also, veneration and worship are due to sacred relics and images, in proportion to the person to whom the relics and images refer.

CAN. 1256. Worship, if offered in the name of the Church by those legitimately deputed for this purpose, and by actions which, according to the institution of the Church, are to be offered only to God, to the Saints, and to the Blessed, is called public; otherwise, it is called private.

CAN. 1257. It belongs to the Supreme Apostolic See alone to ordain the

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sacred liturgy, and to approve liturgical books.

[*Latin ed. p. 245*]

Book Third - Concerning Matters 245. Canon 1258. § 1. It is not permitted for the faithful in any way to actively assist or to participate in the sacred rites of non-Catholics. § 2. Passive or merely material presence, for the sake of civil duty or honor, may be tolerated at the funerals of non-Catholics, at similar ceremonies, and at weddings, provided that the danger of perversion and scandal is absent, and this must be verified by the Bishop in cases of doubt. Canon 1259. § 1. Prayers and exercises of piety are not to be permitted in churches or chapels without the revision and express permission of the local Ordinary, who in more difficult cases shall submit the entire matter to the Apostolic See. § 2. The local Ordinary cannot publicly approve new litanies for recitation. Canon 1260. The ministers of the Church, when exercising their ministry, must depend solely on ecclesiastical superiors. Canon 1261. § 1. The local Ordinaries shall see to it that the prescriptions of the sacred canons concerning the divine worship are diligently observed, and in particular, that no superstitious practice whatsoever be introduced into the divine worship, whether public or private, or into the daily life of the faithful, nor that anything alien to the faith, or separated from ecclesiastical tradition, or bearing the appearance of base gain, be admitted. § 2. If the local Ordinary has enacted laws for his territory concerning this matter, all religious, even those exempt, are bound to observe them; and the Ordinary may visit their churches or public chapels for this purpose. Canon 1262. § 1. It is desirable that, in accordance with ancient discipline, women be separated from men in the church. § 2. Men, in the church or outside the church, while attending sacred rites, should have their heads covered, unless approved customs of the people or special circumstances suggest otherwise; women, however, should have their heads covered and be modestly dressed, especially when approaching the Lord's Table. Canon 1263. § 1. It is permissible for magistrates, according to their dignity and rank, to have a place reserved for them in the church, according to the norms of liturgical laws. § 2. Without the express consent of the local Ordinary, no faithful person shall have a place reserved for them in the church, for themselves and for others; but the Ordinary shall not grant such consent unless the convenience of the other faithful has been sufficiently considered. § 3. In all concessions, there is always an implied condition that the Ordinary may, for a just cause, revoke the concession, notwithstanding any lapse of time.

[*Latin ed. p. 246*]

246. *Codex Iuris Canonici*, CAN. 1264. § 1. Music in which, whether played on the organ or other instruments, or sung, something lascivious or impure is mixed in, must be entirely avoided in churches; and the liturgical

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laws concerning sacred music must be observed. § 2. Religious women, if permitted, according to the norms of their constitutions or liturgical laws, and with the permission of the local Ordinary, may sing publicly in their own church or chapel, but they must do so in a place where they cannot be seen by the people.

TITULUS XV. Concerning the Custody and Worship of the Most Holy Eucharist.

CAN. 1265. § 1. The Most Holy Eucharist, provided that someone is present to take care of it, and that a priest regularly celebrates Mass at least once a week in the sacred place, must be kept: 1.° In the cathedral church, in the principal church of an Abbey or Prelature nullius; in Vicariates and Apostolic Prefectures, in any parish church or quasi-parish church, and in a church attached to a house of religious, whether of men or women; 2.° It may be kept, with the permission of the local Ordinary, in a collegiate church, and in the principal chapel, whether public, semi-public, or private, of a pious or religious house, or of an ecclesiastical college governed by secular clergy or by religious.

§ 2. In order that it may be kept in other churches or chapels, an apostolic indult is necessary; the local Ordinary may grant this permission only to a public church or chapel for a just cause, and by way of a special dispensation.

§ 3. No one is permitted to keep the Most Holy Eucharist with them or to carry it with them on a journey.

CAN. 1266. Churches in which the Most Holy Eucharist is kept, especially parish churches, must be open to the faithful daily for several hours.

CAN. 1267. All previous privileges being revoked, the Most Holy Eucharist cannot be kept in any religious or pious house, except either in a church or in the principal chapel; nor among the nuns within the choir or within the cloister of the monastery.

CAN. 1268. § 1. The Most Holy Eucharist cannot be kept continuously or habitually, except in one altar only of the same church.

§ 2. It must be kept in the most excellent and noble place in the church, and therefore regularly in the main altar, unless otherwise for the sake of veneration and worship.

[*Latin ed. p. 247*]

Book Third - Concerning Matters 247. It seems more convenient and fitting for the celebration of the Sacrament, provided that the prescriptions of the liturgical laws concerning the last days of the week are observed.

§ 3. However, in cathedral, collegiate, or monastic churches, where choral functions are performed at the main altar, in order that no impediment be caused to the ecclesiastical offices, it is fitting that the Most Holy Eucharist not be regularly kept in the main altar, but in another

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chapel or altar.

§ 4. Let the pastors of churches see to it that the altar on which the Most Holy Sacrament is kept be adorned above all others, so that by its very appearance it may more move the piety and devotion of the faithful.

CAN. 1269. § 1. The Most Holy Eucharist must be kept in an immovable tabernacle placed in the middle of the altar.

§ 2. The tabernacle must be solidly constructed, securely closed on all sides, decently adorned according to the norms of the liturgical laws, free from any other object, and so carefully guarded that the danger of any sacrilegious profanation be avoided.

§ 3. If a grave reason warrants it, approved by the local Ordinary, it is not forbidden to keep the Most Holy Eucharist at night outside the altar, on a corporal, in a safer and more fitting place, provided that the prescription of canon 1271 is observed.

§ 4. The key of the tabernacle in which the Most Holy Sacrament is kept must be diligently guarded, and the priest who has charge of the church or oratory must be heavily burdened with the conscience of this matter.

CAN. 1270. The consecrated particles, in such number as may suffice for the communion of the sick and other faithful, must be perpetually kept in a pyx made of solid and decent material, which must be clean and well closed with its lid, covered with a white silk veil, and, if possible, adorned.

CAN. 1271. Before the tabernacle in which the Most Holy Sacrament is kept, at least one lamp must burn continuously day and night, fueled with olive oil or beeswax; where olive oil cannot be obtained, the local Ordinary, with prudent consideration, may permit the use of other oils, as far as possible, vegetable oils.

CAN. 1272. The consecrated hosts, whether for the communion of the faithful or for the exposition of the Most Holy Sacrament, must be fresh and frequently renewed, the old ones being duly consumed, so that there may be no danger of corruption, diligently observing the instructions which the local Ordinary has given on this matter.

CAN. 1273. Those who are entrusted with the religious instruction of the faithful should omit nothing to excite in their minds piety towards the Most Holy Eucharist.

[*Latin ed. p. 248*]

The Code of Canon Law and, especially, these documents urge that, not only on Sundays and holy days by command, but also on weekdays within the week, Catholics should frequently, as much as possible, attend the Sacrifice of the Mass and visit the most holy Sacrament. CAN. 1274, § 1. In churches or chapels where the most holy Eucharist is reserved, a private exposition, or one with a pyx, may be made for any just cause without the permission of the Ordinary; but a public exposition, or one with a

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monstrance, may be made on the feast of Corpus Christi and within the octave in all churches, during the solemnities of the Masses and at Vespers; at other times, it is permitted only for a just and serious reason, especially with the permission of the local Ordinary, even if the church belongs to a religious order. § 2. The minister of the exposition and reposition of the most holy Sacrament is a priest or deacon; the minister of the benediction of the Eucharist is only a priest, and a deacon cannot administer it, unless in the case where, according to canon 845, § 2, he has brought Viaticum to a sick person. CAN. 1275. The Forty Hours devotion should be held annually, with the consent of the local Ordinary, on days established by the statutes, with greater solemnity than possible, in all parish churches and other churches in which the most holy Sacrament is habitually reserved; and if, due to particular circumstances, it cannot be done without serious inconvenience and with due reverence to this sacrament, the local Ordinary shall take care that, at least for a few continuous hours, on fixed days, the most holy Sacrament be exposed with a more solemn rite. TITLE XVI. Concerning the worship of the Saints, sacred images, and relics. CAN. 1276. It is good and useful to devoutly invoke the servants of God, who reign with Christ, and to venerate their relics and images; but above all, all the faithful should show filial devotion to the Most Blessed Virgin Mary. CAN. 1277, § 1. Public worship is permitted only to those servants of God who have been declared among the Saints or Blesseds by the authority of the Church. § 2. To those canonized Saints, dulia worship is due; Saints may be venerated everywhere and by any act of that kind of worship; but Blesseds may not be venerated, unless in the place and manner permitted by the Roman Pontiff. CAN. 1278. It is also praiseworthy to choose Saints of nations, dioceses, provinces, confraternities, religious families, and other places and moral persons, provided that the necessary precautions are observed.

[*Latin ed. p. 249*]

Book Third - Concerning Matters 249 relating to the Authority of the Apostolic See, Patrons are established; likewise, Blesseds, also, without a special grant from the same Apostolic See.

CAN. 1279. § 1. To no one shall it be permitted in churches, even exempt ones, or other sacred places, to place or cause to be placed any unusual image, unless it has been approved by the Ordinary of the place.

§ 2. Moreover, the Ordinary shall not approve sacred images for public display for the veneration of the faithful, if they are not in conformity with proven Church usage.

§ 3. The Ordinary shall never permit false dogmas to be depicted in images or representations in churches or other sacred places, nor those which do not exhibit due reverence and decorum, or which provide an opportunity for dangerous and pernicious error among the uneducated.

§ 4. If images, publicly displayed for veneration, are solemnly blessed,

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this blessing is reserved to the Ordinary, who, however, may entrust it to any priest.

CAN. 1280. Precious images, that is, those distinguished by age, art, or devotion, which, when displayed for the veneration of the faithful in public churches or chapels, require repair, shall never be restored without the written consent of the Ordinary; who, before granting permission, shall consult prudent and expert men.

CAN. 1281. § 1. Outstanding relics or precious images, and also other relics or images which are held in great veneration by the people in any church, cannot be validly alienated or permanently transferred to another church without the permission of the Apostolic See.

§ 2. Outstanding relics of Saints or Blesseds are the body, head, arm, forearm, heart, tongue, hand, leg, or that part of the body in which the martyr suffered, provided that it is intact and not small.

CAN. 1282. § 1. The outstanding relics of Saints or Blesseds cannot be kept in private houses or chapels without the express permission of the Ordinary of the place.

§ 2. Less significant relics can be kept with due honor even in private homes and can be carried piously by the faithful.

CAN. 1283. § 1. Only those relics in churches, even exempt ones, can be publicly venerated, of which it is certain that they are genuine, by an authentic document from a Cardinal of the Holy Roman Church, or the Ordinary of the place, or another ecclesiastical person to whom the faculty of authenticating has been granted by an apostolic grant.

§ 2. The Vicar General cannot, without a special mandate, authenticate relics.

CAN. 1284. The Ordinaries of places should prudently remove from the veneration of the faithful any relic which they know for certain is not authentic.

[*Latin ed. p. 250*]

250. Codex Iuris CAN. Canonici 1285. § 1. Sacrae reliquiae, quarum authenticitatis documenta ob civiles perturbationes vel ob alium quemlibet casum interierint, publicae venerationi ne exponantur, nisi praecedat iudicium Ordinarii loci, non autem Vicarii Generalis sine mandato speciali. § 2. Reliquiae tamen antiquae in ea veneratione qua hactenus fuerunt, sunt retinendae, nisi in aliquo peculiari casu certis argumentis constet eas falsas vel suppositicias esse.

CAN. 1286. Locorum Ordinarii ne sinant, maxime in sacris concionibus, libris, ephemeridibus vel commentariis fovendae pietati destinatis, ex meris coniecturis, ex solis probabilibus argumentis vel praeiudicatis opinionibus, praesertim verbis ludibrium aut despectum sapientibus, quaestiones agitari de sacrarum reliquiarum authenticitate.

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CAN. 1287. § 1. Reliquiae, cum exponuntur, in thecis seu capsis clausae et obsignatae sint oportet. § 2. Reliquiae sanctissimae Crucis nunquam in eadem theca cum reliquiis Sanctorum publicae venerationi exhibeantur, sed propriam thecam separatam habeant. § 3. Beatorum reliquiae, sine peculiari indulto, in processionibus ne circumferatur, neve in ecclesiis exponantur, nisi ubi eorum officium et Missa celebretur ex Sedis Apostolicae concessione.

CAN. 1288. Sanctissimae Crucis reliquiae, quas in cruce pectorali Episcopus forte defert, ecclesiae cathedrali, ipso defuncto, cedunt, Episcopo successori transmittendae; et si defunctus pluribus praefuerit dioecesibus, ecclesiae cathedrali dioecesis, in cuius territorio supremum diem obiit aut, si extra dioecesim mortuus est, ex qua ultimo discessit.

CAN. 1289. § 1. Sacras reliquias vendere nefas est; adeoque Ordinarii locorum, vicarii foranei, parochi aliive curam animarum habentes, sedulo caveant ne sacrae reliquiae, praesertim sanctissimae Crucis, occasione maxime hereditatum aut alienationis acervi bonorum, veneant, neve in acatholicorum manus transeant. § 2. Rectores ecclesiarum, ceterique ad quos spectat, sedulo invigilent ne sacrae reliquiae ullo modo profanentur, neve hominum incuria pereant, vel minus decenter custodiantur.

250. From the Code of Canon Law, Canon 1285. § 1. Sacred relics, of whose authenticity the documents have perished due to civil disturbances or for any other reason, shall not be exposed to public veneration, unless a judgment precedes from the local Ordinary, and not from a General Vicar without special mandate. § 2. However, ancient relics are to be maintained in that veneration in which they have hitherto been held, unless in some particular case it is clearly established by certain arguments that they are false or spurious.

CAN. 1286. Local Ordinaries shall not permit, especially in sacred sermons, books, periodicals, or commentaries intended to foster piety, that questions be raised concerning the authenticity of sacred relics, based solely on mere conjectures, on probable arguments alone, or on preconceived opinions, particularly with words of mockery or contempt for the wise.

CAN. 1287. § 1. When relics are exposed, it is fitting that they be contained in closed and sealed receptacles. § 2. The most holy relics of the Cross shall never be exhibited in the same receptacle with the relics of Saints for public veneration, but shall have a separate receptacle. § 3. The relics of the Blessed shall not be carried in processions, nor exposed in churches, unless their office and Mass are celebrated by permission of the Apostolic See.

CAN. 1288. The most holy relics of the Cross, which the Bishop happens to carry on his pectoral cross, belong to the cathedral church upon his death, to be transmitted to the succeeding Bishop; and if he has presided over several dioceses, to the cathedral church of the diocese in whose territory

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he died, or, if he died outside a diocese, from which he last departed.

CAN. 1289. § 1. It is forbidden to sell sacred relics; therefore, local Ordinaries, vicars forane, pastors, or others who have care of souls, should diligently take care that sacred relics, especially the most holy relics of the Cross, are not sold, especially by reason of inheritance or the alienation of assets, nor pass into the hands of non-Catholics. § 2. Rectors of churches, and others to whom it pertains, should diligently see to it that sacred relics are not profaned in any way, nor are they lost through human negligence, nor are they kept in a less decent manner.

[*Latin ed. p. 251*]

Book Third - On Matters 251 TITLE XVII. On Sacred Processions.

CANON 1290. § 1. By the name of sacred processions are signified solemn supplications which are made by the faithful people, led by the clergy, by moving in an orderly manner from a sacred place to a sacred place, in order to excite the piety of the faithful, to commemorate the benefits of God and to give Him thanks, and to implore divine assistance.

§ 2. Ordinary processions are those which are held on fixed days throughout the year according to the norms of the liturgical books or the customs of the churches; extraordinary processions are those which are announced on other public days for other reasons.

CANON 1291. § 1. Unless otherwise prescribed by an immemorial custom, or by the circumstances of the place, or by the prudent judgment of the Bishop, it is necessary that on the feast of the Body of Christ, only one solemn procession be held publicly along the public roads, and that it take place in the same place, beginning from the more worthy church, and that all the clergy and all religious families, even those exempt, and lay confraternities should participate in it, except for those regulars who perpetually live in stricter enclosure, or who are more than three thousand paces distant from the city.

§ 2. Other parishes and churches, even regular ones, may, within the octave, hold their own processions outside the confines of the church; but where there are several churches, it is the duty of the Ordinary of the place to determine the days, hours, and routes on which each procession shall take place.

CANON 1292. The Ordinary of the place, after consulting the cathedral chapter, may announce extraordinary processions for a public cause; and in these, as in ordinary and customary processions, all those mentioned in canon 1291, § 1, are to participate.

CANON 1293. Religious, even those exempt, may not lead processions outside their churches and cloisters without the permission of the Ordinary of the place, except as provided in canon 1291, § 2.

CANON 1294. § 1. The parish priest, or any other person, may not intro-

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duce new processions, or transfer or abolish customary ones, without the permission of the Ordinary of the place.

§ 2. All clergy attached to a particular church are to participate in the processions of that church.

CANON 1295. It is the duty of the Ordinaries to ensure that sacred processions proceed in an orderly manner, and that they are performed with modesty and reverence by all, in a manner most fitting for pious and religious acts of this kind, after any abuses have been eliminated.

[*Latin ed. p. 252*]

Codex Iuris Canonici TITLE XVIII. Concerning Sacred Vessels.

CANON 1296. § 1. Sacred vessels, especially those which, according to the laws of the liturgy, ought to be blessed or consecrated, and which are used in public worship, are to be carefully guarded in the sacristy of the church or in another safe and suitable place, and are not to be used for profane purposes.

§ 2. In accordance with canon 1522, an inventory of all sacred vessels shall be made and accurately kept.

§ 3. Concerning the material and form of sacred vessels, the liturgical prescriptions, the ecclesiastical tradition, and, if possible, also the laws of sacred art, are to be observed.

CANON 1297. Unless otherwise provided, those who are charged with repairing the church, according to canon 1186, are also to provide for the sacred vessels necessary for the worship.

CANON 1298. § 1. The sacred vessels of deceased Cardinals of the Holy Roman Church, who resided in the city, even if they were a suburban Bishop or an Abbot nullius, with the exception of pectoral rings and crosses, even those containing sacred relics, and all other things permanently destined for divine worship, without regard to the quality and nature of the revenues from which they were acquired, pass to the pontifical sacristy, unless the Cardinal has donated them or bequeathed them by will to some church or oratory, public or pious place, or to some ecclesiastical or religious person.

§ 2. It is desirable that the Cardinal, who wishes to avail himself of this provision, should, at least in part, prefer those churches to which he has obtained a title, administration, or commendation.

CANON 1299. § 1. The sacred vessels of deceased residential Bishops, even if they held the dignity of Cardinal, pass to the cathedral church, with the exception of pectoral rings and crosses, even those containing sacred relics, subject to the prescription of canon 1288, and all those utensils of any kind which it can be legitimately proved that the deceased Bishop acquired with goods not belonging to the church itself, and which have not passed into the property of the church.

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§ 2. If, at any time, a Bishop has successively governed two or more dioceses, or has simultaneously presided over two or more united or perpetually administered dioceses, each having its own and distinct cathedral church, and the sacred vessels have been acquired with revenues from only one of the dioceses, those sacred vessels pass to the cathedral church of that diocese; otherwise, they are to be divided, in equal parts, among the several cathedral churches, provided that the revenues of the dioceses are not divided, but remain as one episcopal fund.

[*Latin ed. p. 253*]

Book Third - Concerning Matters 253 shall perpetually establish a table; but if the revenues are divided and separated, the division shall be made among the individual cathedral churches according to the proportion of the fruits which the Bishop receives in each diocese and the time for which he is assigned to them. § 3. The Bishop is obligated to have an authentic inventory of sacred vessels prepared, in which, for the sake of truth, he shall state when they were acquired, and he shall distinctly describe if any were purchased not from the revenues and resources of the church, but from his own property or from a donation made to him; otherwise, all are presumed to have been purchased from the revenues of the church. CAN. 1300. That which is prescribed in canon 1299 is also applicable to a cleric who has obtained a secular or religious benefice in any church. CAN. 1301. § 1. His Eminence, the Cardinal, a residential Bishop, and other clerics who are beneficiaries are obligated to provide a will or other instrument, valid in law according to the prescribed form, so that, as prescribed in canons 1298-1300, they may fulfill their obligation also in civil law. § 2. Therefore, they shall promptly and in a manner legally valid designate a person of unimpeachable reputation, according to canon 380, who, upon their death, shall not only take possession of the sacred furnishings, but also of books, documents, and other things belonging to the church and found in their house, and shall deliver them to whom they are due. CAN. 1302. Rectors of churches and others to whom the care of sacred furnishings has been entrusted must diligently attend to their preservation and adornment. CAN. 1303. § 1. The cathedral church ought to supply to the Bishop, without charge, all the sacred furnishings and other things necessary for the sacrifice of the Mass or for other pontifical functions, not only in the cathedral church itself, but also in other churches of the city or the surrounding area, even if the Bishop is celebrating privately. § 2. If any church is suffering from poverty, the Ordinary may permit that a moderate fee be charged by priests who celebrate Mass there for their own benefit, for the utensils and other things necessary for the sacrifice of the Mass. § 3. It is for the Bishops, and not for Capitular Vicars or General Vicars without a special mandate, to determine this fee, and no one, not even religious, even those exempt, may demand a higher fee. § 4. The Bishop shall determine such a

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fee for the entire diocese, if possible, in the diocesan Synod, or outside the Synod, after hearing the Chapter. CAN. 1304. The blessing of those sacred furnishings which ought to be blessed according to the laws of liturgy may be conferred before they are used for their own purpose:

[*Latin ed. p. 254*]

254. Codex Iuris Canonici, 1st Section of the Most Holy Roman Republic. Cardinals and Bishops, all; 2nd, Ordinaries of places, lacking the episcopal character, for the churches and oratories of their own territory; 3rd, the parish priest for the churches and oratories located within the territory of his parish, and the rectors of churches for their own churches; 4th, priests delegated by the local Ordinary, within the limits of the delegation and jurisdiction of the delegating authority; 5th, Superiors of religious orders, and priests of the same religion delegated by them, for their own churches and oratories, and for the churches of nuns subject to them.

CAN. 1305, § 1. Sacred vessels that have been blessed or consecrated lose their blessing or consecration: 1st, if they have suffered such injuries or alterations that they have lost their original form, and are no longer suitable for their intended use; 2nd, if they have been used for improper purposes or exposed for public sale.

§ 2. The chalice and paten do not lose their consecration due to consumption or the replacement of their gilding, provided, however, that in the former case, there is a serious obligation to have them regilded again.

CAN. 1306, § 1. Care must be taken that the chalice, with the paten, and before the purifying water, the pall and the corporal, which have been used in the sacrifice of the Mass, are not touched by laypersons, even religious, except by clerics or those who have custody of them.

§ 2. The purifying water, the pall, and the corporal, used in the sacrifice of the Mass, should not be given to laypersons, even religious, to be washed, unless they have first been washed by a cleric constituted in the higher orders; and the water of the first ablution should be poured into the sacrarium, or, if that is lacking, into the fire.

TITLE XIX. Of Vows and Oaths.

CHAPTER I. Of Vows.

CAN. 1307, § 1. A vow, that is, a deliberate and free promise made to God concerning a possible and better good, must be fulfilled by virtue of religion.

§ 2. All those who are capable of using reason in a fitting manner are capable of making a vow, unless they are expressly prohibited by law.

§ 3. A vow made under grave and unjust fear is null by law.

CAN. 1308, § 1. A vow is public, if it is accepted by the Church by a legitimate ecclesiastical superior; otherwise, it is private.

§ 2. It is solemn, if it has been recognized by the Church as such; other-

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wise, it is simple.

[*Latin ed. p. 255*]

Book Third - On Matters 255 § 3. Reserved vows, for which dispensation can only be granted by the Apostolic See. § 4. Personal vows, in which the action of the vower is promised; real vows, in which a certain thing is promised; mixed vows, which partake of both personal and real nature. CAN. 1309. Private vows are reserved to the Apostolic See only in the case of a vow of perfect and perpetual chastity, and a vow to enter a religious order of solemn vows, which have been made absolutely and after the completion of the eighteenth year of age. CAN. 1310. § 1. A vow does not obligate, by its own nature, except the one who makes it. § 2. The obligation of a real vow passes to the heirs, as does the obligation of a mixed vow to the extent that it is real. CAN. 1311. A vow ceases by the lapse of time set for fulfilling the obligation, by a substantial change in the matter promised, by the failure of the condition upon which the vow depends, or by the same cause for which the vow was made, by dispensation, or by commutation. CAN. 1312. § 1. He who legitimately exercises dominion over the will of the vower can validly, and, for a just cause, even licitly, annul the vows, so that in no case does the obligation revive thereafter. § 2. He who does not have power over the will of the vower, but has power over the matter of the vow, can suspend the obligation of the vow for as long as the fulfillment of the vow prejudices him. CAN. 1313. Vows that are not reserved can be dispensed with for a just cause, provided that the dispensation does not harm the rights acquired by others: 1.° The Ordinary of the place, with respect to all his subjects and also to pilgrims; 2.° The Superior of a clerical religious institute of exempt status, with respect to those persons enumerated in can. 514, § 1; 3.° Those to whom the power to grant dispensations has been delegated by the Apostolic See. CAN. 1314. An act promised by a vow that is not reserved can be changed by the vower himself to a better or equal good; but to a lesser good, it can be changed by him to whom the power to grant dispensations belongs, according to can. 1313. CAN. 1315. Vows made before a religious profession are suspended until the vower remains in the religious order.

[*Latin ed. p. 256*]

Codex Iuris

CAPUT II. De Canonico Iureiurando.

CAN. 1316. § 1. Iusjurandum, id est, invocatio Nominis divini in testem veritatis, praestari nequit, nisi in veritate, in iudicio et in iustitia.

§ 2. Iusjurandum quod canones exigunt vel admittunt, per procuratorem praestari valide nequit.

CAN. 1317. § 1. Qui libere iurat se aliquid facturum, peculiari religionis obligatione tenetur implendi quod iureiurando firmaverit.

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§ 2. Iusjurandum per vim aut metum gravem extortum valet, sed a Superiore ecclesiastico relaxari potest.

§ 3. Iusjurandum nec vi nec dolo praestitum quo quis privato bono aut favori renuntiat lege ipsi concesso, servandum est quoties non vergit in dispendium salutis aeternae.

CAN. 1318. § 1. Iusjurandum promissorium sequitur naturam et conditiones actus cui adiicitur.

§ 2. Si actui directe vergenti in damnum aliorum aut in praeiudicium boni publici vel salutis aeternae iusjurandum adiiciatur, nullam exinde actus consequitur firmitatem.

CAN. 1319. Obligatio iureiurando promissorio inducta desinit:

1.° Si remittatur ab eo in cuius commodum iusjurandum emissum fuerat;

2.° Si res iurata substantialiter mutetur, aut, mutatis adiunctis, fiat sive mala sive omnino indifferens, aut denique maius bonum impediat;

3.° Deficiente causa finali aut conditione sub qua forte iusjurandum datum sit;

4.° Irritatione, dispensatione, commutatione, ad normam can. 1320.

CAN. 1320. Qui irritare, dispensare, commutare possunt votum, eandem potestatem eademque ratione habent circa iusjurandum promissorium; sed si iusjurandi dispensatio vergat in praeiudicium aliorum qui obligationem remittere recusent, una Apostolica Sedes potest iusjurandum dispensare propter necessitatem aut utilitatem Ecclesiae.

CAN. 1321. Iusjurandum stricte est interpretandum secundum ius et secundum intentionem iurantis, aut, si hic dolo agat, secundum intentionem illius cui iuratur.

[*Latin ed. p. 257*]

Book Third - On Matters 257 PART FOUR: ON ECCLESIASTICAL TEACHING CAN. 1322. § 1. Christ the Lord entrusted the deposit of faith to the Church, so that, with the constant assistance of the Holy Spirit, she might piously safeguard and faithfully expound the revealed doctrine. § 2. The Church has the right and the duty, independently of any civil power, to teach the evangelical doctrine to all nations; and all are bound by divine law to embrace the true Church of God and to be rightly instructed by her. CAN. 1323. § 1. All those things are to be believed with divine and Catholic faith which are contained in the written* or transmitted word of God, and which are presented as divinely revealed by the Church, either by solemn judgment or by the ordinary and universal magisterium. § 2. It is proper for the Ecumenical Council and for the Roman Pontiff speaking from the chair to pronounce such a solemn judgment. § 3. Nothing is understood to be declared or defined dogmatically, unless it is clearly evident. CAN. 1324. > It is not enough to avoid heretical perversity, but it is necessary also to diligently avoid those errors which, more or less, approach it; therefore,

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all are also bound to observe those constitutions and decrees by which such pernicious opinions have been proscribed and prohibited by the Holy See. CAN. 1325. § 1. The faithful are bound to openly profess the faith of Christ whenever their silence, hesitation, or manner of acting would imply a denial of the faith, contempt for religion, injury to God, or scandal to their neighbor. § 2. After receiving baptism, if anyone, retaining the name of Christian, stubbornly denies or doubts any of those things which must be believed with divine and Catholic faith, he is a heretic; if he totally departs from the Christian faith, he is an apostate; if, finally, he refuses to be subject to the Supreme Pontiff or refuses to communicate with the members of the Church subject to him, he is a schismatic. § 3. Catholics are to beware lest they have discussions or colloquies, especially public ones, with non-Catholics, without the permission of the Holy See or, if the occasion is urgent, of the local Ordinary. CAN. 1326. ' Also, Bishops, although individually or even when gathered in particular councils, are not able to teach with infallibility, are nevertheless, under the authority of the Roman Pontiff, true teachers or masters of those entrusted to their care. ACTS, vol. IX, Part II. 17

[*Latin ed. p. 258*]

Codex 258 of Canon Law, TITLE XX. Concerning the preaching of the Divine Word. CANON 1, 3, 2, 7. § 1. The office of preaching the Catholic faith is especially entrusted to the Roman Pontiff for the entire Church, and to the Bishops for their respective dioceses. § 2. Bishops are bound by their office to preach the Gospel themselves, unless they are legitimately hindered by some impediment; and furthermore, besides the parish priests, they ought to also enlist the aid of other suitable men to properly carry out this office of preaching. CANON 3328. No one is permitted to exercise the ministry of preaching, unless he has received a mission from a legitimate superior, with a specially granted faculty, or has been assigned an office to which the duty of preaching is inherently attached, according to the sacred canons. CHAPTER Concerning the catechetical instruction. CANON 1, 3, 2, 9. It is the proper and most important duty of pastors, especially of souls, to take care of the catechetical instruction of the Christian people. CANON 1, 3, 3, 0. The parish priest ought to: 1.° At fixed times, through continuous instruction over several days, prepare the boys each year to properly receive the sacraments of Penance and Confirmation; 2.° With particular care, especially if nothing prevents it, during the season of Lent, instruct the boys in such a way that they may worthily approach the Holy Eucharist for the first time. CANON 1, 3, 3, 1. Besides the instruction of boys, as mentioned in canon 1, 3, 3, 0, the parish priest ought not to neglect to more thoroughly and perfectly instruct those boys who have recently received the First Communion. CANON 1, 3, 3, 2. On Sundays and other holy days of precept, at that hour which, according to his judgment, is most

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suitable for the attendance of the people, the parish priest ought also to explain the catechism to the adult faithful, with a discourse adapted to their understanding. CANON 1, 3, 3, 3. § 1. The parish priest may, and indeed, if legitimately hindered, ought to enlist the assistance of clerics in the religious instruction of children, within the parish territory.

[*Latin ed. p. 259*]

Book Third - Concerning the things pertaining to those who dwell in a certain place, or even, if it should be necessary, of the more pious laity, especially those who are enrolled in a pious society of Christian instruction or something similar established in the parish.

§ 2. Priests and other clerics, detained by no legitimate impediment, shall be assistants to the parish priest in this most holy work, even under penalties to be imposed by the Ordinary.

CAN. 1334. If, according to the judgment of the Ordinary of the place, the assistance of religious is necessary for the catechetical instruction of the people, the Superiors of religious orders, even those exempt, required by the same Ordinary, are bound, either by themselves or through their religious subjects, without prejudice to regular discipline, to impart that instruction to the people, especially in their own churches.

CAN. 1335. Not only parents and others who hold the place of parents, but also godparents are bound by obligation to see to it that all those subject to them or entrusted to them are instructed in Christian doctrine.

CAN. 1336. It is for the Ordinary of the place to enact all things within his diocese that pertain to instructing the people in Christian doctrine; and even religious who are exempt are bound to observe the same when they are teaching those who are not exempt.

CHAPTER II. Concerning Sacred Preaching.

CAN. 1337. Only the Ordinary of the place grants to clerics, both of the secular clergy and to those religious who are not exempt, the faculty to preach within his territory.

CAN. 1338. § 1. If a sermon is to be given only to religious who are exempt, or to others mentioned in canon 514, § 1, the Superior of the religious order grants the faculty to preach within that religious order, according to its constitutions; who in this case may grant it even to those who are of the secular clergy or of another religious order, provided that they have been judged suitable by their own Ordinary or Superior.

§ 2. If a sermon is to be given to others, or even to nuns subject to a rule, the Ordinary of the place also grants the faculty to religious who are exempt; but the preacher, when speaking to exempt nuns, requires, in addition, the license of the Superior of the regular order.

§ 3. The Ordinary grants the faculty to preach among the members of a religious lay society, even though it is exempt; but the preacher may not

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exercise that faculty without the consent of the Superior of the religious society.

CAN. 1339. § 1. The Ordinaries of places shall not, without a grave reason, deny to religious who are presented by their own Superior, the faculty to preach, once it has been granted.

[*Latin ed. p. 260*]

260. The Code of Canon Law does not revoke, especially for religious priests living in community, the aforementioned provisions, but firmly maintains the prescription of canon 1340, § 2. For religious confessors, in order that they may lawfully exercise the faculty received, the license of their Superior is also required. CAN. 1340, § 3. With a heavy burden on their conscience, the local Ordinary or the religious Superior must not grant the faculty or license to preach to anyone, unless it is first ascertained that he possesses good morals and sufficient doctrine, through examination according to the norm of canon 877, § 1, § 2. If, after granting the faculty or license, they discover that the necessary qualities are lacking in the preacher, they must revoke it; in cases of doubt regarding doctrine, they must dispel the doubt with certain arguments, even through a new examination, if necessary. § 3. Upon the revocation of the faculty or license to preach, recourse is permitted, but not in a suspensive manner. CAN. 1341, § 1. Priests from outside the diocese, whether secular or religious, must not be invited to preach, unless they have first obtained a license from the Ordinary of the place where the preaching is to take place; and this Ordinary, unless he has elsewhere ascertained their suitability, must not grant a license unless he has first received a good testimony regarding the preacher's doctrine, piety, and morals from his own Ordinary; who, with a heavy burden on his conscience, is bound to respond truthfully. § 2. The pastor must request the license in due time, if it concerns a parish church or another church subject to it; the rector of the church, if it concerns a church not subject to the authority of a pastor; the first dignitary, with the consent of the Chapter, if it concerns a cathedral church; the moderator or chaplain of a confraternity, if it concerns a church belonging to that confraternity. § 3. If the parish church is also a cathedral church or belongs to a confraternity, the license must be requested by the one who lawfully performs the sacred functions. CAN. 1342, § 1. The faculty to preach is granted only to priests or deacons, and not to other clerics, unless for a reasonable cause, at the judgment of the Ordinary, and in particular cases. § 2. All laypersons, even religious, are forbidden to preach in a church. CAN. 1343, § 1. The Ordinaries of places have the right to preach in any church within their territory, even if it is exempt. § 2. Unless it concerns large cities, the Bishop can also prohibit words from being spoken to the faithful in other churches within his territory, at which time he himself either gives the sermon or, for a public and extraordinary reason, arranges

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for it to be given before him, with the faithful assembled.

[*Latin ed. p. 261*]

Book Third - Concerning Canonical Matters.

CAN. 261 1344. § 1. On Sundays and other days of obligation throughout the year, it is the proper duty of each parish priest to announce the word of God to the people, especially through a customary homily, particularly during the Mass in which there is usually a greater attendance of the people.

§ 2. The parish priest cannot habitually fulfill this obligation through another, unless for a just cause approved by the Ordinary.

§ 3. The Ordinary may permit that, on certain more solemn feasts, or even, for a just reason, on some Sundays, the homily be omitted.

CAN. 1345. It is to be desired that, in the Masses which, with the faithful present, are celebrated on days of obligation in all public churches or chapels, a brief explanation of the Gospel or of some part of Christian doctrine be given; and if the local Ordinary has prescribed this, providing suitable instructions, not only secular priests, but also religious, even those exempt, are bound by this law in their own churches.

CAN. 1346. § 1. The local Ordinaries are to see to it that, during the time of Lent, and also, if it seems expedient, during the time of Advent, sacred sermons are more frequently held for the faithful in the cathedral and parish churches.

§ 2. Canons and others of the Chapter are bound to attend this sermon, if it is held continuously after the choir in their own church, unless they are detained by a just impediment; and the Ordinary may compel them to do so, even with penalties.

CAN. 1347. § 1. In sacred sermons, those things which the faithful ought to believe and do for their salvation are to be explained first of all.

§ 2. Proclaimers of the divine word should abstain from profane or obscure arguments that go beyond the common understanding of the audience; and they should exercise the evangelical ministry not in persuasive words of human wisdom, not in the empty and ambitious display and embellishment of profane eloquence, but in the demonstration of the Spirit and of power, preaching not themselves, but Christ crucified.

§ 3. If, may it be far from us, the preacher spreads errors or scandals, the prescription of can. 2317 is to be observed; and, furthermore, he is to be dealt with according to the norms of law, if he spreads heresies.

CAN. 1348. The faithful are to be diligently reminded and encouraged to frequently attend sacred sermons.

[*Latin ed. p. 262*]

Codex Juris, CAPUT III. De sacris missionibus.

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CAN. 1349. § 1. Ordinarii diligent ut, almeno quoque in decimo anno, sacra, quae vulgo "missio" appellantur, ad gregem sibi commissum habenda parochi curant.

§ 2. Parochus, etiam religiosus, in his missionibus instituendis mandatis Ordinarii loci stare debet.

CAN. 1350. § 1. Ordinarii locorum et parochi acatholicos, in suis dioecesibus et paroeciis degentes, commendatos sibi in Domino habeant.

§ 2. In aliis territoriis universa missionum cura apud acatholicos Sedi Apostolicae unice reservatur.

CAN. 1351. Ad amplexandam fidem catholicam nemo invitus cogatur.

TITULUS XXI. De Seminariis.

CAN. 1352. Ecclesiae est ius proprium et exclusivum eos instituendi qui ecclesiasticis ministeriis sese devovere cupiunt.

CAN. 1353. Dent operam sacerdotes, praesertim parochi, ut pueros, qui indicia praebeant ecclesiasticae vocationis, peculiaribus curis a saeculi contagiis arceant, ad pietatem informent, primis litterarum studiis imbuant divinaeque in eis vocationis germen foveant.

CAN. 1354. § 1. Unaquaeque dioecesis in loco conveniente ab Episcopo electo Seminarium seu collegium habeat in quo, pro modo facultatum et dioecesis amplitudine, certus adolescentium numerus ad statum clericalem instituatur.

§ 2. Curandum ut in maioribus praesertim dioecesibus bina constituantur Seminaria: minus, scilicet, pro pueris litterarum scientia imbuendis, maius pro alumnis philosophiae ac theologiae vacantibus.

§ 3. Si constitui Seminarium dioecesanum nequeat, aut in constituto Seminario conveniens institutio, praesertim in philosophicis ac theologicis disciplinis, desideretur, Episcopus alumnos in alienum Seminarium.

[*Latin ed. p. 263*]

Book Third - Concerning Matters Relating to Seminaries, unless an interdiocesan seminary has been established by apostolic authority, whether provincial or regional, Canon 1355. For the establishment of a seminary and the support of its students, if its own revenues are insufficient, the Bishop may: 1.° Order other parish priests or rectors of even exempt churches to collect a stipend at fixed times in the church for this purpose; 2.° Impose a tax or levy within his diocese; 3.° If these are not sufficient, assign to the seminary some simple benefices. Canon 1356. § 1. The following are subject to the tax for the seminary, with any designation removed, any contrary custom rejected, and any contrary privilege abrogated: the episcopal mensal, all benefices, even those held under religious orders or patronage, parishes or quasi-parishes, even if they have other revenues, except for the offerings of the faithful; a house of charity established by ecclesiastical authority; canonically erected sodalities; and church fabric funds, if they

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have their own revenues; any religious house, even if exempt, unless it lives solely on alms or in which a college of students or teachers is maintained for the promotion of the common good of the Church. § 2. This tax must be general and of the same proportion for all, greater or lesser according to the needs of the seminary, but it must not exceed five percent (5%) of the total revenue, and it must be reduced as the seminary's revenues increase. § 3. The revenue subject to the tax is that which remains after deductions for burdens and necessary expenses in a year; nor should daily distributions be included in this revenue, or, if all the fruits of the benefice consist of distributions, one-third of those distributions; nor should the offerings of the faithful be included, nor, if all the revenues of the parish are made up of the offerings of the faithful, one-third of those offerings. Canon 1357. § 1. It is the duty of the Bishop to determine all and each of those things which seem necessary and appropriate for the proper administration, governance, and progress of the diocesan seminary, and to ensure that they are faithfully observed, except for the prescriptions laid down by the Holy See for particular cases. § 2. The Bishop should especially strive frequently to visit the seminary himself, to diligently oversee the instruction given to the students, whether it be literary, scientific, or ecclesiastical, and to obtain a fuller knowledge of the character, piety, vocation, and progress of the students, especially on the occasion of sacred ordinations. § 3. Each seminary should have its own statutes, approved by the Bishop, in which it is taught what must be done and what must be observed, both by those who are being formed for the Church within the seminary, and by those who devote their efforts to the formation of these students. § 4. The governance and administration of an interdiocesan or regional seminary are governed by the norms established by the Holy See.

[*Latin ed. p. 264*]

264. Code of Canon Law, CAN. 1358. It is to be ensured that in every Seminary there are a prefect of discipline, teachers for instruction, an administrator to manage the domestic affairs, distinct from the rector, at least two ordinary confessors, and a spiritual director.

CAN. 1359. § 1. In diocesan Seminaries, two groups of delegates are to be established, one for discipline, the other for the administration of temporal goods.

§ 2. Each group of delegates consists of two priests, elected by the Bishop, after consultation with the Chapter; but the Vicar General, the Bishop's relatives, the rector of the Seminary, the administrator, and the ordinary confessors are excluded.

§ 3. The term of office of the delegates lasts for six years, and they cannot be removed without a serious reason; but they may be re-elected.

§ 4. The Bishop ought to seek the advice of the delegates in matters of greater importance.

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CAN. 1360. § 1. In accordance with the firm prescription of can. 891, priests are to be chosen for the office of rector, spiritual director, confessors, and teachers of the Seminary, not only for their learning, but also for their virtue and prudence, so that they may be able to benefit the students by word and example.

§ 2. All are to obey the rector of the Seminary in the fulfillment of his proper duties.

CAN. 1361. § 1. Besides the ordinary confessors, other confessors are to be designated to whom the students may freely have access.

§ 2. If these confessors live outside the Seminary, and a student requests to see one of them, the rector shall summon him, without in any way inquiring into the reason for the request, nor showing that he is displeased by it; if they live in the Seminary, the student may freely approach them, provided that the discipline of the Seminary is observed.

§ 3. When it is a question of admitting a student to the orders, or of expelling him from the Seminary, the opinion of the confessors is never to be sought.

CAN. 1362. The revenues of legacies established for the instruction of clerics may be granted to students who have been duly admitted to the Seminary, whether major or minor, even if they have not yet received the clerical tonsure, unless otherwise expressly stipulated in the foundation documents.

CAN. 1363. § 1. No sons of legitimate birth are to be admitted to a Seminary by the Ordinary, unless they show such character and inclination as to give hope that they will perpetually serve the ecclesiastical ministry with fruit.

§ 2. Before they are received, they must present documents proving the legitimacy of their birth, that they have received baptism and confirmation, and concerning their life and morals.

[*Latin ed. p. 265*]

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§ 3. Those dismissed from other seminaries or from any religious order should not be admitted, unless first the Bishop, even secretly, has inquired from their Superiors or others about the cause of their dismissal, and about their morals, character, and aptitude, and has certainly ascertained that there is nothing in them that is less suitable for the priestly state; and the Superiors are bound to provide such information, conforming to the truth, with their consciences heavily burdened. CAN. 1364.

In the lower schools of the seminary:

1.° Religious instruction should hold the foremost place, which, adapted to the aptitude and age of each individual, must be diligently explained;

2.° Students should accurately learn the languages, especially Latin and

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their native tongue;

3.° Instruction should be given in other disciplines that is appropriate to the common culture and the state of clerics in the region where the students are to exercise the sacred ministry. CAN. 1365.

§ 1. Students should devote at least two full years to the study of philosophy and related disciplines.

§ 2. The theological course should extend for at least four full years, and, besides dogmatic and moral theology, it must especially include the study of Holy Scripture, ecclesiastical history, canon law, liturgy, sacred eloquence, and ecclesiastical chant. CAN. 1366.

§ 1. For the office of teaching in philosophical, theological, and legal disciplines, all other things being equal, those who have obtained a doctorate in a university or faculty recognized by the Holy See, or, if religious, who have a similar testimony from their Superiors, should be preferred, at the judgment of the Bishop and the designated representatives of the seminary.

§ 2. Professors of philosophy and theology should entirely adhere to the reason, doctrine, and principles of the Angelic Doctor, and should hold these sacredly.

§ 3. Care should be taken that there are distinct teachers for at least Holy Scripture, dogmatic theology, moral theology, and ecclesiastical history. CAN. 1367.

Bishops should see to it that students in the seminary:

1.° Recite the morning and evening prayers in common each day, devote some time to mental prayer, and attend the Sacrifice of the Mass;

2.° Should approach the Sacrament of Penance at least once a week, and frequently, as is fitting for piety, receive the Eucharistic bread.

[*Latin ed. p. 266*]

Codea) Of Canon Law, section 3: "On Sundays and feast days, they shall attend the sacred Masses and Vespers, serve at the altar, and perform the sacred ceremonies, especially in the cathedral church, if it can be done, according to the judgment of the Bishop, without detriment to discipline and studies; 4. They shall devote several consecutive days each year to spiritual exercises; 5. At least once a week, they shall attend instruction on spiritual matters, which shall be concluded with a pious exhortation. CAN. 1368. The Seminary shall be exempt from the jurisdiction of the parish; and for all who are in the Seminary, the parish priest shall perform his office, except in matters of marriage, and according to the firm prescription of canon 891, unless otherwise established by the Apostolic See for certain Seminaries. CAN. 1369. § 1. The Rector of the Seminary and all other administrators under his authority shall take care that the students diligently observe the statutes approved by the Bishop and the order of studies, and that they

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are imbued with a true ecclesiastical spirit. § 2. They shall frequently impart to them the laws of true and Christian decorum, and encourage them by their own example to observe them; moreover, they shall urge them to constantly observe the precepts of hygiene, the cleanliness of clothing and the body, and a certain gentleness in conversation, combined with modesty and gravity. § 3. They shall diligently see to it that the teachers properly perform their duties. CAN. 1370. Whenever students die for any reason outside the Seminary, the prescription of canon 972, § 2, shall be observed. CAN. 1373. Students shall be dismissed from the Seminary who are unruly, incorrigible, seditious, or who, by reason of their character and disposition, do not seem suitable for the ecclesiastical state; also, those who make so little progress in their studies that there is no hope that they will acquire sufficient knowledge; especially, those who have committed some offense against good morals or the faith shall be dismissed immediately. TITLE XXII. Concerning schools. CAN. 1372. § 1. All the faithful are to be instructed from childhood in such a way that not only is nothing taught to them that is contrary to the Catholic religion and honest morals, but that religious and moral instruction should take a prominent place. § 2. Not only parents, according to canon 1113, but also all who take their place, have the right and the most serious duty to care for the Christian education of children.

[*Latin ed. p. 267*]

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CAN. 267 1373. § 1. In every elementary school, religious instruction appropriate to their age must be given to the children. § 2. Youth who attend secondary or higher schools should be instructed more fully in religion, and the Ordinary of the place should see to it that this is done by priests distinguished for their zeal and learning.

CAN. 1374. Catholic children should not attend non-Catholic, neutral, or mixed schools, which are, of course, also open to non-Catholics. However, it is only for the Ordinary of the place, according to the norms of the instructions of the Apostolic See, to decide, considering the circumstances and with the precautions taken, whether such schools may be tolerated.

CAN. 1375. The Church has the right to found schools of any discipline, not only elementary schools, but also secondary and higher schools.

CAN. 1376. § 1. The canonical constitution of a Catholic university or faculty is reserved to the Apostolic See. § 2. A Catholic university or faculty, even if entrusted to any religious family, must have statutes approved by the Apostolic See.

CAN. 1377. No one can confer academic degrees that have canonical effect in the Church, unless by authority granted by the Apostolic See.

CAN. 1378. It is permitted for duly created doctors to wear, outside

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of sacred functions, a ring, even with a gem, and the doctoral biretta, and furthermore, according to the firm prescription of the sacred canons, which in the granting of certain ecclesiastical offices and benefices, all other things being equal, establish that he who has obtained a doctorate or license should be preferred in the judgment of the Ordinary.

CAN. 1379. § 1. If Catholic schools, whether elementary or secondary, are lacking, care must be taken, especially by the Ordinaries of the place, to found them. § 2. Likewise, if public universities are not imbued with Catholic doctrine and spirit, it is desirable that a Catholic university be founded in the nation or region. § 3. The faithful should not fail to contribute their helpful assistance, according to their ability, to the founding and support of Catholic schools.

CAN. 1380. It is desirable that the Ordinaries of the place, according to their prudence, send to schools, priests distinguished for their piety and talent, belonging to some university or...

[*Latin ed. p. 268*]

268. The Code of Canon Law concerning Faculties founded by or approved by the Church, so that studies, especially of philosophy, theology, and canon law, may be completed there, and academic degrees obtained. CAN. 1381. § 1. A religious institute for young people is subject to the authority and inspection of the Church in all schools. § 2. It is the right and duty of the local Ordinaries to see that nothing contrary to the faith or good morals is taught or done in any of the schools within their territory. § 3. They also have the right to approve religious teachers and books; and, for the sake of religion and morals, to require that teachers and books be removed. CAN. 1382. The local Ordinaries, whether by themselves or through others, may also visit any schools, oratories, recreational facilities, institutions, etc., with regard to matters pertaining to religious and moral instruction; and no religious school is exempt from this visitation, unless it is an internal school specifically exempt for the sake of the religious order. CAN. 1383. In the religious instruction of students in any college, the prescription of canon 891 must be observed. TITLE XXIII. Concerning the prior censorship of books and their prohibition. CAN. 1384. § 1. It is the right of the Church to require that the faithful not publish books which it has not previously examined, and to prohibit the publication of any books for a just cause. § 2. What is prescribed in this title concerning books applies also to periodicals, newspapers, and other published writings, unless otherwise stated. CHAPTER I. Concerning the prior censorship of books. CAN. 1385. § 1. Unless ecclesiastical censorship precedes, the following may not be published, even by laymen: 1.° Books of the Holy Scriptures, or their annotations and commentaries; 2.° Books which concern the Holy Scriptures, sacred theology, ecclesiastical history, canon law, natural theology, ethics,

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or other similar religious and moral disciplines; books and pamphlets.

[*Latin ed. p. 269*]

Book Third - Concerning matters pertaining to the institution of religious devotion or doctrine, moral, ascetic, mystical, or of a similar nature, even though they appear to promote piety; and generally, writings in which there is something that pertains particularly to religion and honest morals.

3. ° Sacred images of any kind, whether they contain accompanying prayers or are published without them.

§ 2. The permission to publish books and images concerning which is mentioned in § 1, can be granted either by the local Ordinary proper to the author, or by the Ordinary of the place where the books or images become public property, or by the Ordinary of the place where they are printed, provided that, if any of these Ordinaries denies permission, the author may not request it from another Ordinary, unless he first informs the other of the permission denied by the first.

§ 3. Religious persons, moreover, must also previously obtain permission from their superior major.

CAN. 1386. § 1. Secular clergy are forbidden, without the consent of their Ordinaries, and religious persons are forbidden, without the permission of their superior major and the local Ordinary, to publish books, even those that treat of profane matters, and to write or manage periodicals, newspapers, or pamphlets.

§ 2. In periodicals, newspapers, or pamphlets that aim to promote the Catholic religion or good morals, neither Catholics laymen may write anything, unless prompted by a just and reasonable cause, approved by the local Ordinary.

CAN. 1387. That which pertains in any way to the causes of beatification and canonization of the Servants of God, may not be published without the permission of the Congregation for Sacred Rites.

CAN. 1388. § 1. All books, summaries, pamphlets, newspapers, etc., in which are contained the grants of indulgences, may not be published without the permission of the local Ordinary.

§ 2. Express permission from the Apostolic See is required in order to be permitted to print, in any language, both an authentic collection of prayers and pious works to which the Apostolic See has attached indulgences, and also a list of apostolic indulgences, and a summary of indulgences, whether previously collected but never approved, or now for the first time compiled from various grants.

CAN. 1389. Collections of decrees of the Roman Congregations may not be reprinted, unless first permission has been obtained and the conditions prescribed by the moderators of each Congregation have been observed.

CAN. 1390. In the publication of liturgical books and their parts, as well

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as litanies approved by the Holy See, care must be taken to ensure conformity with the approved editions.

[*Latin ed. p. 270*]

270. The validity of a book of canon law is established by the attestation of the local Ordinary in which it is printed or made publicly available. C A N. 1391. Translations of the sacred Scriptures into the vernacular language may not be printed, unless they have been approved by the Apostolic See, or unless they are published under the supervision of Bishops, and with annotations, especially those taken from the holy Fathers of the Church and from learned and Catholic writers. C A N. 1392. § 1. The approval of the original text of a work, nor of its translations into another language, nor of other editions, suffices; therefore, both translations and new editions of the work must be submitted for a new approval. § 2. Extracts from periodicals, when published separately, are not considered new editions, and therefore do not require a new approval. C A N. 1393. § 1. In all episcopal curias, censors must be present by office, who will examine what is to be published. § 2. Examiners, in the performance of their office, setting aside all considerations of persons, must have before their eyes only the dogmas of the Church and the common doctrine of Catholics, which is contained in the decrees of general councils, or in the constitutions or prescriptions of the Apostolic See, or in the consensus of approved doctors. § 3. Censors shall be chosen from both the clergy, recommended for their age, learning, and prudence, who are skilled in the safe and proper method of examining doctrines. § 4. The censor must give his opinion in writing. If he approves, the Ordinary may grant permission to publish, but the censor's judgment must be placed above it, with his name inscribed. Only in extraordinary cases, and very rarely, at the prudent discretion of the Ordinary, may the censor's name be omitted. § 5. The author must never know the name of the censor, before he has given his favorable opinion. C A N. 1394. § 1. The license, by which the Ordinary grants permission to publish, must be given in writing, in the beginning or at the end of the book, page, or image, with the expressed name of the one granting it, as well as the place and time of the grant. § 2. If, however, permission seems to be denied, the reasons should be given to the applicant, unless a serious reason requires otherwise. CHAPTER II. Concerning the prohibition of books. C A N. 1395. § 1. The right and the office of prohibiting books for a just cause belongs not only to the supreme ecclesiastical authority for the entire Church, but also to particular councils subordinate to it, and to the local Ordinaries.

[*Latin ed. p. 271*]

Book Third - Concerning Matters 27th Section, Paragraph 2. An appeal from this prohibition may be made to the Holy See, but not in a suspensive manner.

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Paragraph 3. Even the Abbot of a monastery of its own right and the Supreme Moderator of a clerical religious institute, exempt from ordinary jurisdiction, along with their Chapter or Council, may, for a just cause, prohibit books to their subjects; and likewise, if there is danger in delay, other superiors, with their own Council, may do so, but with the condition that they should, as soon as possible, bring the matter to the attention of the Supreme Moderator.

CANON 1396. Books condemned by the Apostolic See are everywhere considered prohibited, and this applies to whatever language they may be translated into.

CANON 1397. Paragraph 1. It is the duty of all the faithful, especially clerics and those constituted in ecclesiastical office, and of those who excel in learning, to report to the local Ordinaries or to the Apostolic See books which they judge to be pernicious; and this duty pertains especially to the Legates of the Holy See, to the local Ordinaries, and to the Rectors of Catholic universities.

Paragraph 2. It is advisable that, in reporting pernicious books, not only the title of the book should be indicated, but also, as far as possible, the reasons should be explained why the book is considered to be prohibited.

Paragraph 3. Those to whom the report is made must take care to keep the names of those who make the report secret.

Paragraph 4. The local Ordinaries, either by themselves or, if necessary, through suitable priests, should diligently oversee the books which are published or sold within their territory.

Paragraph 5. Books which require more careful examination, or concerning which the judgment of the highest authority seems necessary for the attainment of a salutary effect, should be referred by the Ordinaries to the judgment of the Apostolic See.

CANON 1398. Paragraph 1. The prohibition of a book means that the book cannot, without due license, be printed, read, kept, sold, translated into another language, or communicated in any way with others.

Paragraph 2. A book which has been prohibited in any way cannot be published again, unless, after corrections have been made, permission is given by those who prohibited the book, or by their superior or successor.

CANON 1399. The following are prohibited by their very nature:

1. Editions of the original text and of the ancient Catholic versions of the Holy Scriptures, even of the Oriental Church, published by any non-Catholics; and also, versions of the same, made or published by the same.

2. Books of any kind written by authors who defend heresy or schism, or who are striving in any way to undermine the very foundations of the religion.

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3. Books which, through their content, attack religion or good morals.

[*Latin ed. p. 272*]

Codex Juris Canonici, Book 4:

4. Any books of a non-Catholic nature, which treat explicitly of religion, unless it is certain that they contain nothing contrary to the Catholic faith;

5. Books concerning which reference is made in canons 1385, § 1, n. 1, and canon 1391; also, from those mentioned in the aforementioned canon 1385, § 1, n. 2, books and pamphlets which recount new apparitions, revelations, visions, prophecies, miracles, or which introduce new devotions, even under the pretext that they are private, if they have been published without observing the prescriptions of the canons;

6. Books which attack or deride any of the Catholic dogmas, which defend errors condemned by the Apostolic See, which detract from divine worship, which seek to undermine ecclesiastical discipline, and which, through false reports, harm the ecclesiastical hierarchy, or the clerical or religious state;

7. Books which teach or recommend any kind of superstition, sorcery, divination, magic, the evocation of spirits, or other things of that nature;

8. Books which declare war or suicide, or divorce, to be permissible; which, concerning Masonic sects or other societies of the same kind, assert that they are useful and not harmful to the Church and to civil society;

9. Books which explicitly treat, recount, or teach lascivious or obscene matters;

10. Editions of liturgical books approved by the Apostolic See, in which something has been changed, so that they do not correspond with the authentic editions approved by the Holy See;

11. Books in which apocryphal indulgences are disseminated, or indulgences which have been condemned or revoked by the Holy See;

12. Images, in any form, printed of Our Lord Jesus Christ, the Blessed Virgin Mary, the Angels, and the Saints, or other Servants of God, which are contrary to the sense and decrees of the Church.

CANON 1400. The use of books concerning which reference is made in canon 1391, n. 1, and of books published contrary to the prescription of canon 1391, is permitted only to those who are engaged in theological or biblical studies in any way, provided that these books have been faithfully and completely published and are not contradicted in their introductions or annotations by the dogmas of the Catholic faith.

CANON 1401. His Eminence the Cardinals, Bishops, even titular ones, and other Ordinaries, with the necessary precautions, are not bound by the ecclesiastical prohibition of books.

CANON 1402. § 1. Ordinaries may grant permission to their subjects,

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concerning books expressly prohibited by the law or by a decree of the Apostolic See, for each individual book and only in urgent cases.

§ 2. If they have obtained from the Apostolic See a general faculty to allow their subjects to retain and read prohibited books, they shall grant this only with discretion and for just and reasonable reasons.

[*Latin ed. p. 273*]

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CAN. 1403. § 1. Those who have obtained the apostolic faculty of reading and retaining prohibited books, are not therefore permitted to read and retain any books whatsoever that have been proscribed by their Ordinaries, unless a specific power to read and retain books condemned by anyone has been expressly granted to them in the apostolic indult.

§ 2. Furthermore, they are bound by a grave precept to safeguard prohibited books so that they do not come into the hands of others.

CAN. 1404. Booksellers are not permitted to sell, lend, or retain books that explicitly treat of obscene matters; they are not permitted to have for sale any other prohibited books, unless they have obtained due permission from the Apostolic See, nor are they permitted to sell to anyone, unless they can prudently judge that the buyer is legitimately requesting them.

CAN. 1405. § 1. No license obtained by anyone exempts one from the prohibition by natural law of reading books that present a spiritual danger to oneself.

§ 2. Ordinaries of places and others who have care of souls are to suitably warn the faithful about the danger and harm of reading wicked books, especially those that are prohibited.

TITLE XXIV. Concerning the Profession of Faith.

CAN. 1406. § 1. Those are bound to make a profession of faith, according to the formula approved by the Apostolic See:

1°. Before the president and his delegate, who are present at an Ecumenical or particular Council or diocesan Synod, with a deliberative, consultative, or advisory vote; the president, before the same Council or Synod;

2°. Before the Dean of the Sacred College, the Cardinals first in order of priests and deacons, and the Camerlengo of the Holy Roman Church, promoted to the dignity of Cardinal;

3°. Before a delegate from the Apostolic See, promoted to an episcopal see, even a non-residential one, or to the governance of an Abbey or Nullius diocese, an Apostolic Vicariate, or an Apostolic Prefecture;

4°. Before the Cathedral Chapter, the Vicarius Capitularis;

5°. Before the local Ordinary and his delegate, and before the Chapter, who have been promoted to a dignity or canonry;

6°. Before the local Ordinary and his delegate, and before other consul-

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tants, appointed to the office of diocesan consultants;

7°. Before the local Ordinary and his delegate, the Vicarius General, pastors, and those to whom provisions have been made of any benefice, even manual ones, who have care of souls; the rector, professors of sacred theology, canon law, and philosophy in seminaries, at the beginning of each school year.

[*Latin ed. p. 274*]

274. The *Codex Iurta Canonici* applies to canons, or at least to those who have begun their office; all are to be promoted to the order of subdeacon; book censors, concerning whom see canon 1393; priests destined for hearing confessions and sacred preachers, before they are granted the faculty to exercise these offices; 8. Before the Ordinary and his delegate, the Rector of the University or Faculty; before the Rector of the University or Faculty and his delegate, all professors in a canonically established University or Faculty, at the beginning of each academic year, or at least at the beginning of their office; also, those who are granted academic degrees due to some circumstance; 9. Before the Chapter or Superior who nominated them, and their delegate, the Superiors in clerical religious orders. § 2. Those who, after the departure of a previous one, obtain another office or benefice, or even a dignity of the same kind, must again make the profession of faith according to the norm of this canon.

CAN. 1407. He does not satisfy the obligation of making the profession of faith who makes it through a proxy or before a layperson.

CAN. 1408. Any custom contrary to the canons of this title is condemned.

PART FIVE: CONCERNING BENEFICES AND OTHER ECCLESIASTICAL INSTITUTIONS WHICH ARE NOT COLLEGIATE.

TITLE XXV: Concerning ecclesiastical benefices.

CAN. 1409. An ecclesiastical benefice is a legal entity established or erected perpetually by a competent ecclesiastical authority, consisting of a sacred office and the right to receive revenues attached to the office.

CAN. 1410. The endowment of a benefice consists of goods which are the property of the legal entity itself, or of certain and due prestations of a family or moral person, or of certain and voluntary offerings of the faithful, which pertain to the rector of the benefice, or of rights, as they are called, of the stall within the limits of diocesan taxation or legitimate custom, or of choral distributions, excluding the third part thereof, if all the revenues of the benefice consist of choral distributions.

[*Latin ed. p. 275*]

Book Third - Concerning Canonical Matters.

CAN. 275 1411. Ecclesiastical benefices are said to be: 1.° Consistorial, which are usually conferred in the Consistory; the others are not consisto-

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rial; 2.° Secular or religious, according to whether they pertain to secular clergy alone or to religious clergy alone; however, all benefices erected outside of churches or religious houses are presumed, in case of doubt, to be secular; 3.° Duplicaria or residential, or simple or non-residential, according to whether, besides the beneficial office, they involve the obligation of residence, or not; 4.° Manual, temporary or removable, or perpetual or immovable, according to whether they are conferred revocably or perpetually; 5.° With cure of souls or without cure of souls, according to whether they involve the care of souls or not.

CAN. 1412. Although some things may resemble benefices, they are not, however, included under the name of benefice in law: 1.° Parochial vicariates not permanently established; 2.° Lay chaplaincies, which are, of course, not erected by a competent ecclesiastical authority; 3.° Coadjutorates with or without the expectation of future succession; 4.° Personal pensions; 5.° Temporary commendation, that is, the granting of the revenues of a church or monastery to someone, so that, in the absence of a proper holder, the revenues revert to the church or monastery.

CAN. 1413. § 1. Unless otherwise stated, the canons that follow are to be understood to apply only to benefices properly so-called, that is, not consistorial.

§ 2. Canons 147-195 also apply to beneficial offices or benefices.

CHAPTER I. Concerning the constitution or erection of benefices.

CAN. 1414. § 1. Consistorial benefices are erected by the Apostolic See.

§ 2. Besides the Roman Pontiff, Ordinaries can erect non-consistorial benefices within their own territory, with the exception of the prescription of canon 394, § 2.

§ 3. However, Vicars General cannot erect benefices unless by a special mandate.

§ 4. Even a Cardinal can erect non-curated benefices in his own title or deaconry, unless the church belongs to a clerical religious order exempt from ordinary jurisdiction.

[*Latin ed. p. 276*]

Codex Iuris Canonici, CAN. 1415. § 1. Beneficia non erigantur, nisi constet ea stabilem et congruam dotem habere, ex qua reditus perpetuo percipiantur ad normam canonis 1410. § 2. Si dos in numerata pecunia constituitur, Ordinarius, audito dioecesano administrationis consilio de quo in canone 1520, curare debet ut quamprimum collocetur in tutis et frugiferis fundis vel nominibus. § 3. Non prohibetur tamen, ubi congrua dos constitui nequeat, paroecias aut quasi-paroecias erigere, si prudenter praevideat ea quae necessaria sunt aliunde non defutura. CAN. 1416. Ante erectionem beneficii vocentur et audiantur, si qui sint, ii quorum interest. CAN. 1437. § 1. In limine fundationis, fundator potest, de consensu Ordinarii, condi-

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tiones etiam iuri communi contrarias apponere, dummodo sint honestae et naturae beneficii ne repugnent. § 2. Conditiones semel admissae supprimi aut immutari ab Ordinario loci valide nequeunt, nisi agatur de mutationibus Ecclesiae favorabilibus et accedat consensus ipsius fundatoris, vel, si agatur de iure patronatus, patroni. CAN. 1418. Erectio beneficiorum fiat per legitimum instrumentum, in quo definiatur locus ubi beneficium erectum est, et describantur dos beneficii ac iura et onera beneficiarii. CAPUT De unione, translatione, divisione, dismembratione, conversione et suppressione beneficiorum. CAN. 1419. Unio beneficiorum est: 1.° Exstinctiva, cum aut ex suppressis duobus vel pluribus beneficiis novum atque unicum beneficium efficitur, aut unum vel plura ita alii uniuntur ut esse desinant; 2.° Aeque principalis, cum unita beneficia remanent prout sunt, neque alterum alteri subiicitur; 3.° Minus principalis, seu per subiectionem vel accessionem, cum beneficia remanent, sed unum aut plura alii tanquam accessorium principali subiiciuntur. CAN. 1420. § 1. In unione exstinctiva, beneficio quod emergit aut remanet, omnia iura et onera exstinctorum competunt, et, si inter se componi nequeant, meliora ac favorabiliora.

[*Latin ed. p. 277*]

Book Third - On Matters 277 § 2. In matters of equal importance, any benefice retains its nature, rights, and obligations, but, by virtue of the completed union, the titles of united benefices must be conferred upon the same cleric. § 3. In matters of lesser importance, an accessory benefice follows the principal benefice, so that the cleric who obtains the principal benefice thereby also obtains the accessory benefice, and must fulfill the obligations of both.

CAN. 1421. A translation of a benefice occurs when the seat of the benefice is transferred from one place to another; a division occurs when one benefice is divided into two or more benefices; a dismemberment occurs when a part of the territory or goods of a benefice is taken from it and assigned to another benefice, or to a pious cause or ecclesiastical institution; a conversion occurs when a benefice is changed into another type; a suppression occurs when it is completely extinguished.

CAN. 1422. The extintive union of benefices, their suppression, or dismemberment, which results in the subtraction of beneficial goods without the erection of a new benefice; the union of a principal benefice, whether religious or secular, with another, and conversely, as well as the translation, division, and dismemberment of a religious benefice, are reserved to the Apostolic See.

CAN. 1423. § 1. Ordinary pastors of places, and not the Vicar Capitular, nor the General Vicar without special mandate, can, for the necessity of the Church or for a great and evident advantage, unite any parish churches with each other or with a benefice that is not a cure, so that, in the latter case, if the union is made in a matter of lesser importance, the benefice that

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is not a cure shall be accessory.

§ 2. They cannot, however, unite a parish with the capitular or episcopal table, with monasteries, churches of religious orders, or with any other moral person, nor with dignities and benefices of a cathedral or collegiate church; but they can unite it with a cathedral or collegiate church that is located within the territory of the parish, so that the revenues of the parish are transferred to the benefit of that church, while the parish priest or vicar receives a suitable portion.

§ 3. The union of benefices cannot be made by the Ordinary pastors except perpetually.

CAN. 1424. Ordinary pastors can never unite any benefices, whether they are cures or not, to the detriment of those who currently hold them, without their consent; nor can they unite a benefice of the right of patronage with a benefice of free collation without the consent of the patrons; nor can they unite benefices of one diocese with benefices of another diocese, even if both dioceses are governed by the same bishop and are united in matters of equal importance; nor can they unite benefices that are exempt or reserved to the Apostolic See with any other benefices.

[*Latin ed. p. 278*]

278 Codex Iuris Canonici CAN. 1425. § 1. Si Sedes Apostolica parochiam domui religiosae ad temporalia tantum coniungit, domus religiosa participat solum fructibus parochiae, et Superior religiosus sacerdotem ex ordine saeculari in eadem instituere debet, assignata congrua parte, Ordinario loci praesentando. § 2. Si autem coniunctio est plena iure, parochia fit religiosa, et Superior potest sacerdotem ex sua religione ad curam animarum nominare, sed Ordinario loci est eum approbare et instituere, et ipse subesse debet eius iurisdictioni, correctioni et visitationi in iis rebus quae ad curam animarum pertinent, secundum normam canonis 631. CAN. 1426. Propter causas canonicas de quibus in canonico 1423, § 1, Ordinarii possunt etiam beneficium saeculare parochiale de loco in alium eiusdem paroeciae transferre; alia autem beneficia, tunc solum cum ecclesia in qua fundata erant, collapsa sit et restaurari nequeat, possunt in matrices vel alias ecclesias locorum eorundem seu vicinorum, erectis, si fieri possit, altaris vel sacellis sub iisdem invocationibus, transferre cum omnibus emolumentis et onere priori ecclesiae adiunctis. CAN. 1427. § 1. Possunt etiam Ordinarii ex iusta et canonica causa parochias quascumque, invitis quoque eorum rectoribus et sine consensu populi, dividere, vicariam perpetuam vel novam parochiam erigentes, aut territorium earum dismembrare. § 2. Causa canonica ut divisio aut dismembratio paroeciae fieri possit, ea tantum est, si aut magna sit difficultas accedendi ad ecclesiam parochialem, aut nimia sit multitudo paroecianorum, quorum bono spirituali subveniri nequeat secundum normam canonis 476, § 1, § 3.

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Parochiam dividens, Ordinarius debet vicariae perpetuae aut paroeciae noviter erectae congruam portionem assignare, servato praescripto canonis 1500; quae, nisi aliter proveniatur, desumi debet ex reditibus ad ecclesiam matricem quoquo modo pertinentibus, dummodo sufficientes reditus eidem matrici ecclesiae remaneant. § 4. Si vicaria perpetua aut nova parochia dotatur ex reditibus ecclesiae a qua dividitur, debet matrici honorem deferre modo et finibus ab Ordinario praestituendis; qui tamen vetatur baptismalem fontem matrici reservare. § 5. Parochia divisa quae ad aliquam religionem iure spectat, vicaria perpetua aut parochia noviter erecta non est religiosa; pariter parochia divisa iuris patronatus, nova parochia est liberae collationis. CAN. 1428. § 1. Locorum Ordinarii uniones, translationes, divisiones, dismembrationes beneficiorum ne faciant nisi per authenticam scripturam, au-

[*Latin ed. p. 279*]

Book Third - Concerning Matters 279. Concerning Cathedral Chapters and those who belong to them, especially the Rectors of Churches. § 2. A union, translation, division, or dismemberment made without a canonical reason is invalid.

§ 3. Against the decree of the Ordinary uniting, transferring, dividing, or dismembering benefices, recourse is granted only in a devolutive manner to the Holy See. CAN. 1429.

§ 1. No Ordinary of a place can impose perpetual or temporary pensions on any benefice which last for the lifetime of the pensioner, but they can, when conferring the benefice, impose temporary pensions for a just cause, expressed in the very act of conferring, which last for the lifetime of the beneficiary, saving to him a suitable portion.

§ 2. However, with regard to parochial benefices, they cannot impose pensions, unless for the benefit of the parish priest or vicar of the same parish who is leaving office, but these pensions must not exceed one-third of the income of the parish, after deducting all expenses and uncertain revenues.

§ 3. Pensions granted to benefices, either by the Roman Pontiff or by other grantors, cease with the death of the pensioner, who, however, cannot alienate them, unless it has been expressly permitted. CAN. 1430.

§ 1. Benefices that are administered by Ordinaries cannot be converted from non-administered to administered, nor from religious to secular, nor from secular to religious.

§ 2. On the contrary, simple benefices can be converted from non-administered to administered by the Ordinaries of the place, provided that the conditions expressly stated by the founder are not violated.

CHAPTER III. Concerning the conferring of benefices. CAN. 1431. It belongs to the Roman Pontiff to confer benefices throughout the Church,

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and to reserve the conferring of them to himself. CAN. 1432.

§ 1. For the conferring of vacant benefices, the Cardinal in his own title or diaconate, and the Ordinary of the place in his own territory, have a legally founded intention.

§ 2. However, the Vicar General cannot confer benefices without a special mandate; the Vicar Capitular, moreover, cannot confer vacant parishes, except according to the norm of can. 455, § 3, nor other perpetual benefices of free collation.

§ 3. If the Ordinary does not confer the benefice within six months from certain notice of the vacancy, the conferring of the benefice devolves to the Apostolic See, saving the prescription of can. 458.

[*Latin ed. p. 280*]

280 Codex Iuris Canonici, CAN. 1433. Coadjutors in benefices, with or without future succession, may be instituted by the Holy See, with the exception of the prescriptions of canons 475 and 476. CAN. 1434. Benefices reserved to the Holy See, conferred by those of lower rank, are invalid. CAN. 1435. § 1. Besides all consistorial benefices and all dignities of cathedral and collegiate churches, according to canon 396, the following benefices alone are reserved to the Holy See, even when vacant: 1.° All benefices, even cures, which have become vacant through the death, promotion, resignation, or translation of Cardinals of the Holy Roman Church, Legates of the Roman Pontiff, officials of the higher Congregations, Tribunals, and Offices of the Roman Curia, and of those in the service of the Holy See, even those of honor only, during the vacancy of a benefice under the Supreme Pontiff; 2.° Those, founded outside the Roman Curia, which have become vacant through the death of the beneficiary in the City of Rome; 3.° Those which have been invalidly conferred due to the vice of simony; 4.° Finally, benefices to which the Roman Pontiff has attached himself, either personally or through a delegate, in the following ways: if he declares an election to a benefice to be invalid, or if he forbids electors from proceeding with an election; if he accepts a resignation; if he promotes, transfers, or deprives a beneficiary; if he bestows a benefice in commendam. § 2. However, manual benefices or those of lay patronage, either pure or mixed, are never reserved, unless it is expressly stated. § 3. With regard to the collation of benefices founded in Rome, the special laws pertaining to them are to be observed. CAN. 1436. An ecclesiastical benefice cannot be validly conferred upon a cleric who is not invited and who does not expressly accept the provision. CAN. 1437. No one can confer a benefice upon himself. CAN. 1438. All secular benefices are to be conferred for the life of the beneficiary, unless otherwise provided by the law of the foundation, or by immemorial custom, or by a special indult. CAN. 1439. § 1. No cleric is capable of accepting and retaining, either in title or in perpetual commendam, more

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than one incompatible benefice, according to canon 156.

[*Latin ed. p. 281*]

Book Third - On Matters 281 § 2. Incompatible are not only two benefices, of whose burdens the same beneficiary cannot, by himself, simultaneously fulfill all, but also two benefices, of which one alone suffices for the honest sustenance of the individual.

CAN. 1440. Ecclesiastical benefices are conferred without diminution, except as prescribed in canon 1429, §§ 1, 2.

CAN. 1441. Deductions from fruits, compensations, and payments made by a cleric in the act of receiving a benefice, which are ceded to the bestower, patron, or others, are condemned as simoniacal.

CAN. 1442. Secular benefices are to be conferred only upon clerics from the secular clergy; religious benefices are to be conferred upon members of that religious order to which the benefice pertains.

CAN. 1443. § 1. No one may take possession of a benefice conferred upon him, either by his own authority, or without having made the profession of faith, if it is a matter of benefices for which this profession of faith is prescribed.

§ 2. If it concerns non-consistorial benefices, the mission to take possession, or the formal institution, pertains to the Ordinary of the place, who may delegate another ecclesiastical person to do so.

1 CAN. 1444. § 1. The mission to take possession of a benefice is made according to the manner prescribed by particular law, or according to a legitimate custom, unless the Ordinary, for a just reason, expressly dispenses from that manner or rite in writing; in which case, this dispensation takes the place of the acquired possession.

§ 2. The Ordinary of the place shall determine the time within which possession of the benefice must be taken; unless a just impediment prevents it, he shall declare the benefice vacant, according to canon 188, n. 2.

CAN. 1445. Possession of a benefice can be taken, even by a procurator, with a special mandate.

CAN. 1446. If a cleric who possesses a benefice proves that he has peacefully and in good faith been in its possession for three years, even if perhaps with an invalid title, provided that simony is absent, he obtains the benefice by legitimate prescription.

CAN. 1447. He who requests a benefice from another who peacefully possesses it, and contends that it is certainly vacant, must express in a written petition the name of the possessor, the time of possession, and the special reason from which it appears that no right belongs to the possessor in that benefice; and the benefice cannot be conferred upon the petitioner

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unless, according to the law, the cause in the petition has first been defined.

[*Latin ed. p. 282*]

Codex Iuris, CAPUT IV. De iure patronatus. CAN. 1448. The right of patronage is the highest of privileges, accompanied by certain obligations, which belong to Catholic founders of a church, chapel, or benefice, or even to those who derive their right from them, by concession of the Church.

CAN. 1449. The right of patronage is: 1.° Real, or personal, according to whether it is attached to a particular thing or pertains directly to a person; 2.° Ecclesiastical, lay, or mixed, according to whether the title by which one obtains the right of patronage is ecclesiastical, lay, or mixed; 3.° Hereditary, familial, or of lineage, or mixed, according to whether it passes to heirs, to those who are of the family or lineage of the founder, or to those who are both heirs and of the family or lineage of the founder.

CAN. 1450. § 1. No right of patronage can henceforth be validly established by any title.

§ 2. The Ordinary of the place can: 1.° Grant to the faithful who have built churches or founded benefices, spiritual benefits, proportionate to their generosity, either for a time or even perpetually; 2.° Admit a foundation of a benefice with the condition that the benefice be conferred for the first time upon the founder himself, or upon another cleric designated by the founder.

CAN. 1451. § 1. The Ordinaries of places are to see to it that patrons, in lieu of the right of patronage which they enjoy, or at least in lieu of the right of presentation, accept spiritual benefits, even perpetually, for themselves or for others.

§ 2. If the patrons are unwilling to do so, their right of patronage shall be regulated by the canons which follow.

CAN. 1452. Popular elections and presentations for benefices, even parochial ones, where they are in force, are only permitted if the people choose a cleric from among three designated by the Ordinary of the place.

CAN. 1453. § 1. A personal right of patronage cannot validly be transmitted to non-believers, publicly apostates, heretics, schismatics, or to those who are members of secret societies condemned by the Church, nor to any who are excommunicated after a declaratory or condemnatory sentence.

§ 2. In order that a personal right of patronage may validly be transmitted to others,

[*Latin ed. p. 283*]

Book Third - Concerning Matters 283, the consent of the Ordinary, given in writing, is required, with due regard to the laws of the foundation, as well as to the decree, canon 1470, § 1, no. 4. § 3. If the right of patronage, which is attached to a certain property, passes to any person as mentioned

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in § 1, the right of patronage remains suspended. CANON 1454. No right of patronage shall be admitted, unless it is proven by authentic documents or other legitimate evidence. CANON 1455. The privileges of patrons are: 1.° To present a cleric to a vacant church or benefice; 2.° Saving the execution of obligations and the honest support of the beneficiary, to obtain, from the revenues of the church or benefice, if any remain, sustenance in proportion to the needs, whenever the patron has been reduced to poverty through no fault of his own, even if he has renounced the right of patronage for the benefit of the Church, or if a pension has been reserved for the patron at the foundation itself, which is not sufficient to alleviate his poverty; 3.° To have, if legitimate local customs permit, in the church of his patronage, the coat of arms of his family or lineage, precedence over other laymen in processions or similar functions, a more suitable seat in the church, but outside the presbytery and without a church canopy. CANON 1456. The wife exercises the right of patronage by herself; minors through their parents or guardians; but if the parents or guardians are not Catholics, the right of patronage is suspended in the meantime. CANON 1457. The presentation, unless there is a just and insurmountable impediment, whether it concerns a lay or an ecclesiastical and mixed patronage, must be made, unless a shorter time is prescribed by the law of the foundation or by legitimate custom, at least within four months from the day on which the person to whom the right belongs has informed the patron of the vacancy of the benefice and of the priests who have been approved in the competition, if it concerns a benefice which must be conferred through competition. CANON 1458. § 1. If the presentation is not made within the prescribed time, the church or benefice becomes, in that case, subject to free collation. § 2. But if a dispute arises, which cannot be settled within the useful time, either concerning the right of presentation between the Ordinary and the patron, or between the patrons themselves, or concerning the right of prelation between those presented, the collation is suspended until the end of the controversy, and in the meantime, if necessary, the Ordinary shall appoint an administrator of the church or vacant benefice.

[*Latin ed. p. 284*]

284. *Codex Iuris Canonici*, canons 1, 4, 5, 9, § 1. Si plures singulares personae sunt patroni, ii possunt inter se convenire, tum pro seipsis tum pro suis successoribus, de alternis praesentationibus. § 2. Ut autem haec conventio sit valida, oportet Ordinario consensus in scriptis datum accedere, qui tamen semel praestitus nequit valide ab eodem Ordinario vel eius successoribus, patronis invitis, revocari.

Codex Iuris Canonici, canon 1460, § 1. Si ius patronatus collegialiter exerceatur, ille praesentatus habeatur, qui maiorem suffragiorum numerum retulerit, ad normam canonis 101; quod si, duobus scrutiniis sine effectu institutis, in tertio scrutinio plures maiorem prae ceteris, sed aequalem inter

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se suffragiorum numerum habuerint, ii omnes praesentati censeantur.

§ 2. Si ius patronatus penes singulares personas sit, quae inter se de alternis praesentationibus non convenerint, ille praesentatus habeatur, qui maiorem saltem relative suffragiorum numerum retulerit; et si plures eundem, maiorem quam ceteri, suffragiorum numerum habuerint, omnes censeantur praesentati.

§ 3. Qui ex diversis titulis ius patronatus obtinet, tot habet in praesentatione suffragia, quot titulos.

§ 4. Quilibet patronus, antequam praesentatio acceptetur, non unum tantum, sed plures praesentare potest, tum una simul tum etiam successive, intra tempus tamen praescriptum, modo illos ne excludat quos prius praesentavit.

Codex Iuris Canonici, canon 1461. Nemo potest praesentare seipsum neque aliis patronis accedere ut suffragiorum numerum ad praesentationem necessarium pro se compleat.

Codex Iuris Canonici, canon 1462. Si ecclesiae vel beneficio provideri debeat per concursum patroni, etiam laici, non potest praesentare, nisi clericum legitime ex concursu probatum.

Codex Iuris Canonici, canon 1463. Persona praesentata debet esse idonea, idest, ipso praesentationis vel saltem acceptationis die, qualitatibus omnibus praedita, quae iure seu communi seu peculiari vel lege fundationis requiruntur.

Codex Iuris Canonici, canon 1464, § 1. Praesentatio fieri debet loci Ordinario, cuius est iudicare utrum idonea sit persona praesentata.

§ 2. Ordinarius ad suum formandum iudicium, debet ad normam canonis 149 de persona praesentata diligenter inquirere et opportunas notitias, etiam secretas, si opus fuerit, assumere.

§ 3. Ordinarius non cogitur patrono patefacere rationes cur personam praesentatam admittere non possit.

[*Latin ed. p. 285*]

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CAN. 285 1465. § 1. If the presented candidate is found to be unsuitable, the patron, provided that the time has not elapsed through his negligence which would prevent him from presenting, may present another within the time mentioned in canon 1457; but if neither of these is found to be suitable, the church or benefice becomes, in that case, subject to free collation, unless the patron or the presented candidate, within ten days from the notification of the rejection, appeals to the Apostolic See, intervening through the Ordinary; during which time, the collation is suspended until the end of the controversy, and in the meantime, if necessary, the Ordinary shall appoint an administrator of the church or vacant benefice.

§ 2. A presentation tainted with the sin of simony is, by law, invalid, and

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renders also invalid any institution that may follow it.

CAN. 1466. § 1. A candidate legitimately presented, and found to be suitable, upon accepting the presentation, has the right to canonical institution.

§ 2. The right to grant canonical institution belongs properly to the Ordinary of the place, and not to the Vicar General, unless he has special authorization.

§ 3. If several and all are suitable candidates, the Ordinary chooses the one whom he judges to be more suitable in the Lord.

CAN. 1467. Canonical institution must be given for every benefice, even a non-curate one, without any just impediment, within two months from the date of the presentation.

CAN. 1468. If the presented candidate, before canonical institution, renounces or dies, the patron again has the right to present.

CAN. 1469. § 1. The obligations or duties of patrons are: 1.° To warn the Ordinary of the place, if they see that the goods of the church or benefice are being squandered, because they are not to interfere with the administration of those goods; 2.° To rebuild a collapsed church or to make the necessary repairs, according to the judgment of the Ordinary, if they have the right of patronage by the title of rebuilding, and unless the obligation of rebuilding or repairing the church rests upon others, according to canon 1186; 3.° To supplement the revenues, if the right of patronage arises from the title of endowment, when the revenues of the church or benefice are so deficient that neither can the divine service be decently performed in the church, nor the benefice be conferred.

§ 2. If the church has collapsed or is in need of necessary repairs, or if the revenues are deficient according to the standard of § 1, nos. 2, 3, the right of patronage is temporarily suspended.

§ 3. If the patron, within the time fixed by the Ordinary, under penalty of the cessation of the patronage, rebuilds or restores the church.

[*Latin ed. p. 286*]

286 The Code of Canon Law either strengthens or diminishes the right of patronage; otherwise, it ceases by law and without any declaration. CAN. 1470, § 1. Besides the case mentioned in can. 1469, § 3, the right of patronage is extinguished: 1.° If the patron renounces his right; however, this renunciation can be made in its entirety or in part; it can never, however, cause harm to other co-patrons, if any there are; 2.° If the Holy See revokes the right of patronage or permanently suppresses the church or benefice itself; 3.° If it is contrary to a legitimately prescribed right of patronage; 4.° If the thing to which the right of patronage is attached perishes, or if the family, clan, or lineage to which, according to the foundation statutes, it is reserved, is extinguished; in either of these cases, neither does the right of patronage become hereditary, nor can the Ordinary validly permit the

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donation of the right of patronage to another; 5.° If, with the consent of the patron, the church or benefice is united to another that is freely collated, or if the church becomes elective or regular; 6.° If the patron attempts to transfer the right of patronage to another through simony; if he has fallen into apostasy, heresy, or schism; if he unjustly usurps or detains the goods and rights of the church or benefice; if he kills or mutilates the pastor or another cleric serving the church, or a beneficiary, either by himself or through others. § 2. Because of the crimes mentioned in § 1, n. 6, only the guilty patron loses the right of patronage, and, because of the last-mentioned offense, also his heirs. § 3. If, because of the offenses listed in § 1, n. 6, the patron is considered to have lost the right of patronage, a declaratory sentence is required and suffices. § 4. A censured or infamous person, after a condemnatory or declaratory sentence, until the censure or infamy persists, cannot exercise the right of patronage nor enjoy its privileges. CAN. 1471. If the Apostolic See has granted an indult to present to a vacant church or benefice, whether in concordats or outside concordats, this does not create a right of patronage, and the privilege of presentation must be strictly interpreted according to the terms of the indult. CHAPTER V. Of the rights and obligations of beneficiaries. CAN. 1472. Every beneficiary, having legitimately taken possession of the benefice, enjoys all the rights, both temporal and spiritual, which are attached to the benefice. CAN. 1473. Although a beneficiary may have other non-beneficial goods, he may freely enjoy the fruits of the benefice which are necessary for his honest support.

[*Latin ed. p. 287*]

Book Third - Concerning Matters 287 necessary; he is, however, obligated to distribute the surplus for the poor or pious causes, with the exception prescribed in canon 239, § 1, no. 19. CANON 1474. If the reception of a certain order is required to obtain a benefice, the beneficiary must already have received such order before the collation of the benefice. CANON 1475: § 1. The beneficiary is obligated to faithfully fulfill the particular duties attached to the benefice, and furthermore, to recite the canonical hours daily. § 2. If, without a legitimate impediment, he fails to fulfill the obligation of reciting the canonical hours, he shall not receive the fruits in proportion to the omission, and he shall deliver these fruits to the fabric of the church or the diocesan seminary, or distribute them to the poor. CANON 1476. § 1. The beneficiary must administer the goods pertaining to his benefice, as curator of the benefice, according to the law. § 2. If, through negligence or in some other way, he is at fault, he must compensate for the damages to the benefice, and he may be compelled by the local Ordinary to provide for these compensations; and, if he is a parish priest, he may be removed from the parish according to canons 2147 and following. CANON 1477. § 1. Expenses ordinarily connected with the administration of the goods of the

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benefice and the collection of the fruits are to be borne by the beneficiary. § 2. Expenses for extraordinary repairs to the house of the benefice are to be borne by those to whom the burden of repairing the benefice is assigned, unless the founding charter or legitimate agreements and customs provide otherwise. § 3. The beneficiary shall promptly complete the minor repairs that are his responsibility, so that the necessity for greater repairs does not arise. CANON 1478. The local Ordinary is obligated to take care, even through his vicars forane, that the goods of the benefice are preserved and properly administered. CANON 1479. In the leasing of the goods of the benefice, advance payments beyond six months are prohibited without the permission of the local Ordinary, who, in extraordinary cases, shall take appropriate precautions to ensure that such a lease does not result in damage to the pious institution or to the successors in the benefice. CANON 1480. In the event of death, the annual revenue of the benefice shall be distributed between the successor and the predecessor, and their heirs, in proportion to the time that each served in the benefice, with all current revenues and expenses of the year.

[*Latin ed. p. 288*]

288 The Code of Canon Law applies, unless legitimate custom or specially approved statutes prescribe a different method of just compensation. CAN. 1481. After deducting all expenses of any kind, and with due regard to the provision of can. 4, par. 1, the fruits of a vacant benefice accrue, for the first half, to the endowment of the benefice or the common fund, and for the second half, to the fabric of the church or the sacristy, unless legitimate custom dictates that all the fruits be allocated to the common good of the diocese. CAN. 1482. With regard to the half-year's income, which is called *annata*, it shall be retained where it is customary, and the special statutes and laudable customs prevailing in each region concerning it shall be observed. CAN. 1483. § 1. The goods of the episcopal residence shall be diligently administered by the Bishop. § 2. The episcopal house shall be kept in good repair and, if necessary, restored and maintained at the expense of the same residence, unless such burdens are otherwise assigned by a special provision. § 3. The Bishops shall also ensure that, after a careful inventory has been made, all utensils or movable goods belonging to the episcopal residence and located within the domain of the residence are securely and completely transferred to the successor. CHAPTER VI. Concerning the relinquishment and exchange of benefices. CAN. 1484. The Ordinary shall not admit the relinquishment of a benefice by a cleric who has been instituted in a higher order, unless it is clear that he has another means of support sufficient for his honest livelihood, and in accordance with the firm provision of can. 584. CAN. 1485. The relinquishment of a benefice, by the title of which a cleric was ordained, is invalid, unless express mention is made that the cleric has been promoted by that title, and

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that, with the consent of the Ordinary, he has been assigned another legitimate title of ordination. CAN. 1486. The Ordinary may not admit the relinquishment of benefices for the benefit of others or under any condition that affects the provision of the benefice or the distribution of its revenues, unless in the case where the benefice is in dispute and the relinquishment is made by one of the disputants for the benefit of the other. CAN. 1487. § 1. The exchange of two benefices cannot be validly effected, unless for the necessity or benefit of the Church, or for some other just cause, without the consent of others.

[*Latin ed. p. 289*]

Book Third - Concerning Matters 289: Regarding detriment, concerning the consent of the patron, if the matter pertains to a benefit of the patronage, and of the Ordinary of the place, and not of a General Vicar without a special mandate, nor of a Capitular Vicar, and with the aforementioned provision of canon 186, § 2. The Ordinary shall grant or deny consent within one month; and the exchange is valid from the moment the consent is given by the Ordinary. § 3. The exchange of benefices cannot be permitted by the Ordinary, if either or both of the benefices are reserved to the Apostolic See.

CANON 1488, § 1. If the benefices to be exchanged are unequal, they cannot be compensated by the reservation of fruits or by the payment of money or any other thing of estimable value. § 2. An exchange cannot be made between more than two beneficiaries.

TITLE XXVI. *Concerning other ecclesiastical institutions, not collegiate.

CANON 1489, § 1. Hospitals, orphanages, and other similar institutions, destined for works of religion or charity, whether spiritual or temporal, can be erected by the Ordinary of the place, and by his decree, a juridical person can be constituted within the Church. § 2. The Ordinary of the place shall not approve these institutions unless the purpose of the foundation is truly useful, and unless the endowment is such that, in all respects, it is sufficient, or is prudently foreseen to be sufficient, to achieve that purpose. § 3. The administration of the goods of each of these institutions belongs to its rector, according to the norms of the founding charter; and this rector is bound by the same obligations, and enjoys the same rights, as the administrators of other ecclesiastical goods.

CANON 1490, § 1. In the founding charters, the pious founder shall accurately describe the entire constitution of the institution, its purpose, endowment, administration, and governance, the use of revenues, and the succession in goods, in the event of the extinction of the institution itself. § 2. These charters must be prepared in duplicate, one copy to be kept in the archives of the institution, and the other in the archives of the Curia.

CANON 1491, § 1. The Ordinary of the place can and must visit all such

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institutions, even those erected as a moral person and exempt in any way. § 2. Indeed, even if they are not erected as a moral person and are entrusted to a religious house, if it is a question of a religious house of diocesan jurisdiction, they are entirely subject to the jurisdiction of the Ordinary of the place; if it is a religious house of pontifical jurisdiction, they are subject to episcopal vigilance with regard to matters of religion.

[*Latin ed. p. 290*]

290 The Code of Canon Law concerns itself with matters of morals, the practice of piety, and the administration of sacred things. CAN. 1492. § 1. Even if a pious institution has been exempted from the jurisdiction and visitation of the local Ordinary by its foundation, prescription, or apostolic privilege, the Ordinary nevertheless has the right to demand an accounting, contrary to established custom. § 2. If the founder wishes that the administrators not be required to render an account to the local Ordinary, the foundation shall not be accepted. CAN. 1493. The local Ordinary shall see to it that the pious wishes of the faithful, expressed in the foundation of these institutions, are fully observed. CAN. 1494. Without the permission of the Apostolic See, these institutions cannot be suppressed, merged, or converted to uses other than those established in the foundation documents, unless otherwise provided in the foundation documents. PART SIX CONCERNING TEMPORAL GOODS OF THE CHURCH CAN. 1495. § 1. The Catholic Church and the Apostolic See have the natural right to freely and independently acquire, possess, and administer temporal goods for the purposes proper to them. § 2. Also, to individual churches and other moral persons erected by ecclesiastical authority into juridical persons, it belongs, according to the norms of the sacred canons, to acquire, possess, and administer temporal goods. CAN. 1496. It also belongs to the Church, independently of civil authority, to demand from the faithful what is necessary for divine worship, for the honest support of clergy and other ministers, and for other purposes proper to it. CAN. 1497. § 1. Temporal goods, whether corporeal, namely, both immovable and movable, or incorporeal, which pertain to the universal Church, or to the Apostolic See, or to another moral person within the Church, are called "ecclesiastical goods." § 2. Those are called "sacred" which, by consecration or blessing, are destined for divine worship; "precious," those which have a notable value, either for artistic or historical or material reasons.

[*Latin ed. p. 291*]

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CAN. 1498. In the canons that follow, the term "Church" signifies not only the universal Church or the Apostolic See, but also any moral person within the Church, unless the context of the discourse or the nature of the matter indicates otherwise.

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TITLE XXVII. Concerning the Acquisition of Ecclesiastical Goods.

CAN. 1499. § 1. The Church may acquire temporal goods by all just means of law, whether natural or positive, by which it is permitted to others.

§ 2. The ownership of goods, under the supreme authority of the Apostolic See, belongs to the moral person who has legitimately acquired those same goods.

CAN. 1500. When the territory of a moral person of the Church is divided, so that either a part is united to another moral person, or a distinct moral person is established for the divided part, even common goods which were intended for the benefit of the entire territory, and any debt contracted for the entire territory, must be divided by the ecclesiastical authority to which the division pertains, with due proportion, according to what is right and proper, always respecting the wills of the pious founders or donors, legitimately acquired rights, and the particular laws by which the moral person is governed.

CAN. 1501. When a moral person of the Church ceases to exist, its goods become the property of the immediately superior moral person of the Church, always respecting the wills of the founders or donors, legitimately acquired rights, and the particular laws by which the extinct moral person was governed.

CAN. 1502. With regard to the payment of tithes and first fruits, the particular statutes and laudable customs of each region are to be observed.

CAN. 1503. Except as prescribed in canons 621-624, it is forbidden to both clerics and laity to compel, in writing, any contribution for any pious or ecclesiastical institution or purpose, without the written permission of the Apostolic See or of their own Ordinary and the local Ordinary.

CAN. 1504. All churches or benefices subject to the jurisdiction of the Bishop, as well as lay confraternities, must annually pay to the Bishop a cathedraticum or a moderate tax, to be determined according to canon 1507, unless it has already been determined by ancient custom.

[*Latin ed. p. 292*]

Codex Iuris Canonici, can. 1505. Loci Ordinarius, praeter tributum, pro Seminario, de quo in can. 1355, 1356, aut beneficialem pensionem de qua in can. 129, potest, dioecesis necessitate impellente, omnibus beneficiariis, sive saecularibus sive religiosis, extraordinariam et moderatam exactionem imponere. Speciali, can. 3506. Aliud tributum in bonum dioecesis vel pro patrono imponere ecclesiis, beneficiis aliisque institutis ecclesiasticis, quanquam sibi subiectis, Ordinarius potest tantummodo in actu fundationis vel consecrationis; sed nullum imponi potest tributum super eleemosynas Missarum sive manualium sive fundatarum. Can. 1507. § 1. Salvo praescripto can. 1056 et can. 1234, praefinire taxas pro variis actibus iurisdictionis

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voluntariae vel pro exsecutione rescriptorum Sedis Apostolicae vel occasione ministrationis Sacramentorum vel Sacramentalium, in tota ecclesiastica provincia solvendas, est Concilii provincialis aut conventus Episcoporum provinciae; sed nulla vi praefinitio eiusmodi pollet, nisi prius a Sede Apostolica approbata fuerit. § 2. Ad taxas pro actibus iudicialibus quod spectat, servetur praescriptum can. 1909. Can. 3508. Praescriptionem, tanquam acquirendi et se liberandi modum, prout est in legislatione civili respectivae nationis, Ecclesia pro bonis ecclesiasticis recipit, salvo praescripto canonum qui sequuntur. Can. 1509. Praescriptioni obnoxia non sunt: 1.° Quae sunt iuris divini sive naturalis sive positivi; 2.° Quae obtineri possunt ex solo privilegio apostolico; 3.° Iura spiritualia, quorum laici non sunt capaces, si agatur de praescriptione in commodum laicorum; 4.° Fines certi et indubii provinciarum ecclesiasticarum, dioecesium, paroeciarum, vicariatuum apostolicorum, praefecturarum apostolicarum, abbatiarum vel praelaturarum nullius; 5.° Eleemosynae et onera Missarum; 6.° Beneficium ecclesiasticum sine titulo; 7.° Ius visitationis et obedientiae, ita ut subditi a nullo Praelato visitari possint et nulli Praelato iam subsint; 8.° Solutio cathedratici. Can. 1510.

[*Latin ed. p. 293*]

Book Third - On Matters 293 § 2. Sacred things, which are not in the domain of private individuals, cannot be prescribed by a private person, but by a moral person of the Church against another moral person of the Church. CAN. 1511. "§ 1. Immovable property, precious movable property, rights and actions, whether personal or real, which belong to the Apostolic See, are subject to prescription by the lapse of one hundred years. § 2. Those pertaining to another moral person of the Church, by the lapse of thirty years. CAN. 1512. No prescription is valid unless it is supported in good faith, not only at the beginning of possession, but throughout the entire period of possession required for prescription. CAN. 1513. § 1. He who is lawfully and freely able to dispose of his own property, can leave property for pious causes, either by an act between living persons or by an act of last will. § 2. In last wills, the formalities of civil law should be observed, if possible, for the benefit of the Church; if these are omitted, the heirs should be reminded to fulfill the testator's will. CAN. 1514. The wills of the faithful who donate or bequeath their property for pious causes, either by an act between living persons or by an act of last will, must be diligently fulfilled, even with regard to the manner of administration and disbursement of the property, saving the prescription of canon 1515, § 3. CAN. 1515. § 1. The Ordinary is the executor of all pious wills, both those made in contemplation of death and those made between living persons. § 2. The Ordinary can, and must, by law, oversee the fulfillment of these pious wills, even through visitation, and other delegated executors must render an account to him for the proper performance of their duties. § 3. Clauses added to last wills that

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are contrary to the right of the Ordinary shall be considered as not having been included. CAN. 1516. § 1. A cleric or religious who has received property for pious causes, either by an act between living persons or by a will, must inform the Ordinary of this trust, and must indicate to him all such property, whether movable or immovable, with the attached burdens; unless the donor has expressly and absolutely prohibited the acceptance of the trust. § 2. The Ordinary must ensure that the trust property is placed in a safe place and must oversee the execution of the pious will in accordance with canon 1515. § 3. If trust property is entrusted to a religious, provided that the property has been assigned to churches, parishes, or pious causes of a diocese, the Or-

[*Latin ed. p. 294*]

The Code of Canon Law, concerning which we spoke in §§ 1, 2, refers to the Ordinary of the place; otherwise, it refers to the Ordinary proper to that religious order. CAN. 1517. § 1. Reductions, modifications, or alterations, which must be made only for a just and necessary cause, are reserved to the Apostolic See, unless the founder has expressly granted this power also to the Ordinary of the place. § 2. However, if the execution of imposed obligations has become impossible, due to diminished revenues or another cause, without any fault of the administrators, then the Ordinary, after hearing those concerned, and observing, as far as possible, the founder's will, may also reduce these obligations, except for the reduction of Masses, which always pertains solely to the Apostolic See.

TITLE XXVIII. Concerning the administration of ecclesiastical goods.

CAN. 1518. The Roman Pontiff is the supreme administrator and dispenser of all ecclesiastical goods.

CAN. 1519. § 1. It is the duty of the Ordinary of the place diligently to oversee the administration of all ecclesiastical goods that are within his territory and which have not been withdrawn from his jurisdiction, except for legitimate prescriptions that grant to others superior rights.

§ 2. Taking into account rights, legitimate customs, and circumstances, the Ordinary, with appropriate and specific instructions within the common law, should take care to regulate the entire business of the administration of ecclesiastical goods.

CAN. 1520. § 1. To properly fulfill this office, each Ordinary in his episcopal city shall establish a Council, consisting of a president, who is himself the Ordinary, and two or more suitable persons, with expertise in civil law as far as possible, to be chosen by the Ordinary, after consultation with the Chapter, unless a legitimate provision has already been made in another equivalent manner by law or custom.

§ 2. Without an apostolic indult, those who are connected to the Ordinary of the place by blood or marriage in the first or second degree are excluded

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from the office of administrator.

§ 3. The Ordinary of the place shall not fail to consult the Administrative Council in administrative acts of greater importance; however, the members of this Council have only an advisory vote, unless the common law requires their consent in specifically expressed cases or from the founding documents.

§ 4. The members of this Council shall take an oath before the Ordinary to perform their duties well and faithfully.

[*Latin ed. p. 295*]

Book Third - Concerning Matters 295 1521. § 1. Besides the diocesan council for administration, the Ordinary of the place shall appoint prudent men, suitable and of good reputation, to administer the goods belonging to a certain church or pious place, which, by law or by the founding documents, do not have an administrator; and after a period of three years, others shall suffice, unless the circumstances of the place suggest otherwise. § 2. If certain matters pertaining to the administration of ecclesiastical goods belong to laypersons, either by a legitimate title of foundation or erection, or by the will of the Ordinary of the place, nevertheless, the entire administration shall be carried out in the name of the Church, and with due regard for the right of the Ordinary to visit, demand accounts, and prescribe the manner of administration. CANON. 1522. Before administrators of ecclesiastical goods, concerning whom mention is made in canon 1521, begin their duties: 1.° They must swear before the Ordinary of the place or the vicarious forane that they will administer themselves well and faithfully; 2.° A careful and distinct inventory shall be made, to be signed by all, of real estate, valuable movable property, and other items, with a description and valuation of each; or a previous inventory may be accepted, with notations of items that have been lost or acquired in the meantime; 3.° One copy of this inventory shall be kept in the administration's records, and the other in the archives of the Curia; and in both, any change that may occur to the property shall be noted. CANON. 1523. Administrators of ecclesiastical goods are bound to fulfill their duties with the diligence of a good family head; and therefore, they must: 1.° Take care that the ecclesiastical goods entrusted to their care do not, in any way, perish or suffer damage; 2.° Observe the laws, both canon and civil, or those imposed by the founder or donor, or by legitimate authority; 3.° Accurately collect and, at the proper time, demand the revenues and proceeds of the goods, and keep them safely, and expend them according to the founder's intention, or according to the established laws or regulations; 4.° With the consent of the Ordinary, invest the Church's money, which remains after expenses and can be profitably invested, for the benefit of the Church itself; 5.° Keep well-ordered books of receipts and expenses; 6.° Properly arrange and keep in the Church's archives or a suitable and appropriate cabinet, the documents

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and instruments by which the Church's rights in the goods are established; and, where it can conveniently be done, deposit authentic copies of these in the archives or cabinet of the Curia. CANON. 1524. All, and especially clerics, religious, and administrators of ecclesiastical affairs, must assign honest wages to workers in their employ.

[*Latin ed. p. 296*]

Codex 296 of Canon Law establishes the just compensation; it is necessary to ensure that they dedicate themselves to piety, for a suitable period of time; in no way should they be drawn away from domestic duties and the care of frugality, nor should more work be imposed upon them than they are able to bear, nor should they engage in activities that are incompatible with their age and sex.

CAN. 1525. § 1. Contrary to established custom, ecclesiastical and lay administrators of any church, even a cathedral or pious institution canonically erected, or of a confraternity, are bound annually to render an account of their administration to the Ordinary of the place.

§ 2. If, according to particular law, those designated for this purpose must give an account, then the Ordinary of the place, or his delegate, shall be admitted to it, according to the law, so that other releases made in this way do not benefit the administrators themselves in any way.

CAN. 1526. Administrators shall not initiate or contest a lawsuit in the name of the church, unless they have obtained written permission from the Ordinary of the place, or, at least, if the matter is urgent, from the vicarious forane, who must immediately inform the Ordinary of the permission granted.

CAN. 1527. § 1. Unless they have previously obtained permission from the Ordinary of the place, in writing, administrators who exceed the ordinary limits and manner of administration are deemed to have acted invalidly.

§ 2. The church is not bound to answer for contracts initiated by administrators without the permission of the competent superior, unless and to the extent that they pertain to its own affairs.

CAN. 1528. Although they are not bound by the title of a benefice or ecclesiastical office, administrators who abandon the office expressly or tacitly assumed at their own discretion, to the detriment of the church, are bound to make restitution.

TITLE XXIX. Concerning Contracts.

CAN. 1529. Whatever civil law establishes in the territory concerning contracts, both in general and in specific or named cases, and concerning settlements, the same shall be observed by canon law in ecclesiastical matters, with the same effects, unless it is contrary to divine law or unless another provision of canon law is observed.

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CAN. 1530. § 1. Except as prescribed in can. 1281, for the sale of ecclesiastical movable or immovable property, which can be preserved, the following is required: 1.° An appraisal of the property, made in writing by proven experts;

[*Latin ed. p. 297*]

Book Third • Concerning Matters 297, 2.° A just cause, that is, an urgent necessity, or evident benefit to the Church, or piety; 3.° The license of a legitimate Superior, without which the alienation is invalid. § 2. Furthermore, other suitable precautions, which the Superior himself should prescribe according to the circumstances, must not be omitted, so that damage to the Church may be avoided. CAN. 1531. § 1. Property shall not be alienated for a price lower than that indicated in the assessment. § 2. The alienation shall be made through a public auction, or at least be made known, unless other circumstances suggest otherwise; and the property shall be granted to the one who, after all things have been considered, has offered the most. § 3. The money received from the alienation must be carefully, safely, and usefully invested for the benefit of the Church. CAN. 1532. § 1. The legitimate Superior, concerning whom is mentioned in can. 1530, § 1, n. 3, is the Apostolic See, if it concerns: 1.° Valuable property; 2.° Property whose value exceeds thirty thousand pounds or francs. § 2. If it concerns property whose value does not exceed one thousand pounds or francs, it is the local Ordinary, after hearing the advice of the administration council, unless the matter is of very little importance, and with the consent of those who are concerned. § 3. Finally, if it concerns property whose price is contained between one thousand pounds and thirty thousand pounds or francs, it is the local Ordinary, provided that the consent of both the cathedral chapter and the administration council, and of those who are concerned, is obtained. § 4. If it concerns the alienation of a divisible property, the parts previously alienated must be stated in the request for permission or consent for the alienation; otherwise, the permission is invalid. CAN. 1533. The formalities, according to the norms of can. 1530-1532, are required not only in the alienation properly called, but also in any contract by which the condition of the Church could be worsened. CAN. 1534. § 1. The Church has a personal right of action against the one who has alienated ecclesiastical property without the proper formalities, and against his heirs; and a real right, if the alienation is null, against any possessor, saving the right of the buyer against the one who has alienated improperly. § 2. Those who can take action against an invalid alienation of ecclesiastical property are: the one who alienated the property, his Superior, both successors in office, and finally, any cleric attached to that church which has suffered damage.

[*Latin ed. p. 298*]

298. Codex Iuris Canonici, Canon 1535. Prelates and rectors ought not

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to presume to make donations from the movable goods of their churches, except for small and moderate amounts, according to the legitimate custom of the place, unless a just cause for remuneration or piety or Christian charity intervenes; otherwise, the donation may be revoked by successors. Canon 1536. § 1. Unless the contrary is proven, it is to be presumed that whatever is given to rectors of churches, even religious, is given to the church itself. § 2. A donation made to the church cannot be repudiated by its rector or superior without the permission of the Ordinary. § 3. If a donation is improperly repudiated, a legal action for full restitution or compensation is granted for the damages that have resulted therefrom. § 4. A donation made to the church and legitimately accepted by it cannot be revoked because of the ungratefulness of the prelate or rector. Canon 1537. Sacred things ought not to be used for a purpose that is contrary to their nature. Canon 1538. § 1. If the goods of a church are to be seized or mortgaged, or if a loan is to be contracted against them, the legitimate superior, who is bound to grant permission according to Canon 1532, shall require that all those whose interests are involved be heard beforehand, and shall take care that the debt is repaid as soon as possible. § 2. For this purpose, annual installments shall be determined by the same Ordinary, which are intended to extinguish the debt. Canon 1539. § 1. In the sale or exchange of sacred things, no account shall be taken of the consecration or blessing in the estimation of the price. § 2. Administrators may exchange titles for a buyer, which they call, for other titles that are more or at least equally safe and profitable, excluding any species of commerce or negotiation, and with the consent of the Ordinary, the diocesan council of administration, and others whose interests are involved. Canon 1540. Immovable goods of the church are not to be sold or leased to administrators or to those related to them by blood or marriage in the first or second degree without the special permission of the Ordinary of the place. Canon 1541. § 1. No contract for the lease of any ecclesiastical property shall be made unless in accordance with Canon 1531, § 2; and in all such contracts, clauses shall always be added regarding the limits to be observed, the proper cultivation, the due payment of the rent, and suitable guarantees for the fulfillment of the conditions.

[*Latin ed. p. 299*]

Book Third, Regarding Ecclesiastical Matters, Section 299. Concerning the leasing of ecclesiastical property, with the prescription of canon 1479 observed: 1.° If the value of the lease exceeds thirty thousand pounds or francs, and the lease is for more than nine years, the approval of the Apostolic See is required; if it is not for more than nine years, the prescription of canon 1532, § 3, must be observed; 2.° If the value is contained within one thousand pounds and thirty thousand pounds or francs, and the lease is for more than nine years, the prescription of the same canon 1532, § 3, must be

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observed; if the lease is not for more than nine years, the prescription of the same canon 1532, § 2, must be observed; 3.° If the value does not exceed one thousand pounds or francs, and the lease is for more than nine years, the same prescription of canon 1532, § 2, must be observed; if the lease is not for more than nine years, it can be made by the legitimate administrators, with the notification of the Ordinary.

CANON 1542, § 1. In the case of an emphyteusis of ecclesiastical property, the emphyteuta may not redeem the canon without the permission of the legitimate ecclesiastical superior, as is stated in canon 1532; if he does redeem it, he must at least give the church the monetary value corresponding to the canon.

§ 2. A suitable caution must be demanded from the emphyteuta for the payment of the canon and the fulfillment of the conditions; in the very instrument of the emphyteutic agreement, the ecclesiastical forum must be established as an arbiter for resolving any disputes that may arise between the parties, and it must be expressly declared that improvements to the land shall revert to the owner.

CANON 1543. If a fungible thing is given to someone so that it is consumed and afterwards the same thing is restored in the same kind, no profit can be derived, by reason of the contract itself; but in the performance of a fungible thing, it is not inherently illicit to agree to a legal profit, unless it is clear that it is immoderate, or even to a greater profit, if a just and proportionate title supports it.

TITLE XXX. Concerning pious foundations.

CANON 1544, § 1. By the name of pious foundations are signified temporal goods given to any moral person within the Church in some way, with the obligation of perpetually or for a long time, from the annual revenues, to celebrate certain Masses, or to perform other predetermined ecclesiastical functions, or to carry out certain works of piety and charity.

§ 2. A foundation, once legitimately accepted, takes on the nature of a synallagmatic contract: I give that you may do.

CANON 1545. It is the duty of the Ordinary to prescribe norms regarding the amount of the endowment, below which a pious foundation cannot be admitted, and regarding the proper distribution of its fruits.

[*Latin ed. p. 300*]

300. Code of Canon Law, Canon 1546. § 1. In order that such foundations may be accepted by a moral person, the written consent of the local Ordinary is required, who shall not grant it until he has duly ascertained that the moral person is able to fulfill both new obligations undertaken and those already assumed; and he shall take care to ensure that the revenues are entirely adequate to meet the expenses incurred, according to the custom of each diocese. § 2. In the acceptance, constitution, and administration of

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the foundation, the patron of the church has no right.

Canon 1547. Money and movable goods, assigned in the name of a donation, shall be deposited immediately in a safe place, designated by the same Ordinary, for that purpose, so that the said money or the value of the movable goods may be preserved, and as soon as possible, with due caution and utility, according to the prudent judgment of the same Ordinary, after hearing those concerned and the diocesan administrative council, they shall be invested for the benefit of the same foundation, with express and individual mention of the obligation.

Canon 1518. § 1. Foundations, even those made orally, shall be recorded in writing. § 2. One copy of the record shall be kept in the archives of the Curia, and the other in the archives of the moral person to which the foundation pertains, safely preserved.

Canon 1549. § 1. With the foregoing provisions of canons 1514-1517 and canon 1525 observed, in every church, a table shall be prepared listing the obligations arising from pious foundations, which shall be kept safely with the pastor. § 2. Likewise, in addition to the book mentioned in canon 843, § 1, another book shall be kept with the pastor, in which shall be noted individually the perpetual and temporary obligations, and their fulfillment and alms, so that an exact account of all of these may be rendered to the local Ordinary.

Canon 1550. If it concerns pious foundations in churches, even parochial ones, of exempt religious, the rights and obligations of the local Ordinary, as mentioned in canons 1545-1549, belong exclusively to the Major Superior.

Canon 1551. § 1. The reduction of obligations that burden pious foundations is reserved to the Apostolic See, unless otherwise expressly stated in the foundation records, and with due regard to the provision of canon 1517, § 2. § 2. The dispensation to reduce endowed Masses does not extend to other Masses due by contract, nor to other obligations of the pious foundation. § 3. The general dispensation to reduce the obligations of pious foundations is to be understood, unless otherwise stated, as meaning that the person granted the dispensation is more likely to reduce other obligations than Masses.

[*Latin ed. p. 301*]

Book Fourth - Concerning Processes

BOOK 301, FOURTH, CONCERNING PROCESSES, PART FIRST, CONCERNING JUDGMENTS.

CANON 1552. § 1. By the term "ecclesiastical judgment" is understood a legitimate dispute and definition, before an ecclesiastical tribunal, concerning a matter in which the Church has the right to be heard.

§ 2. The object of a judgment are: 1.° The pursuit or vindication of the

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rights of physical or moral persons, or the declaration of the legal acts of such persons; and in this case, the judgment is contentious; 2.° Delicts, in order to inflict or declare a penalty; and in this case, the judgment is criminal.

CANON 1553. § 1. The Church, by its own and exclusive right, knows of: 1.° Causes which concern spiritual matters and those attached to spiritual matters; 2.° Violations of ecclesiastical laws, and of all things in which there is the essence of sin, which pertains to the definition of guilt and the imposition of ecclesiastical penalties; 3.° Of all causes, whether contentious or criminal, which concern persons enjoying the privilege of the forum, according to canon 120, 614, 680.

§ 2. In causes in which both the Church and civil authority are equally competent, which are called mixed jurisdictions, there is a place for prevention.

CANON 1554. The accuser, who brings causes of mixed jurisdiction before an ecclesiastical judge, and submits them to be judged by the secular forum, may be punished with fitting penalties, according to canon 2222, and is deprived of the right to bring a case against the same person, concerning the same matter and related matters, in the ecclesiastical forum.

CANON 1555. § 1. The Tribunal of the Holy Office proceeds in its own manner and retains its own customs; and also the inferior tribunals,

[*Latin ed. p. 302*]

Codex Iuris Canonici 302, paragraph 4: In causes which pertain to the tribunal of the Holy Office, it is necessary to follow the norms established by that same Office. § 2. Other tribunals must observe the prescriptions of the canons which follow. § 3. In the judgment concerning the dismissal of religious, the prescriptions of canons 654-667 must be observed. SECTION I. Concerning Judgments in General. TITLE I. Concerning the Competent Forum. CANON 1556. The First See is not judged by anyone. CANON 1557. § 1. It is the exclusive right of the Roman Pontiff to judge: 1.° Those who hold the supreme principate over peoples, and their sons and daughters, and those to whom the right to succeed to that principate belongs; 2.° Cardinals; 3.° Legates of the Apostolic See, and in criminal cases, Bishops, even titular ones. § 2. The tribunals of the Apostolic See are reserved to judge: 1.° Residential Bishops in contentious matters; 2.° Dioceses or other ecclesiastical legal persons which do not have a Superior under the Roman Pontiff, such as exempt religious orders, monastic congregations, etc. § 3. Other causes which the Roman Pontiff may bring to judgment, are judged by the judge whom the Roman Pontiff himself designates. CANON 1558. In causes concerning which, in canons 1556, 1557, the incompetence of other judges is absolute. CANON 1559. § 1. No one can be summoned in the first instance, unless before an ecclesiastical judge who is competent, according to one of the titles which are determined in canons 1560-1568. §

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2. The incompetence of a judge to whom none of these titles apply, is said to be relative. § 3. The plaintiff follows the forum of the thing; and if the defendant has multiple forums, the option of the forum is granted to the plaintiff.

[*Latin ed. p. 303*]

Book of Decrees - Concerning Processes, Canon 303, 1560. The following cases require a specific forum: 1.° Actions concerning dispossession, before the Ordinary of the place where the property is situated; 2.° Causes concerning a benefice, even if not a residential one, before the Ordinary of the place of the benefice; 3.° Causes concerning administration, before the Ordinary of the place where the administration is carried out; 4.° Causes concerning inheritances or pious legacies, before the Ordinary of the domicile of the testator, unless the case concerns only the execution of the legacy, which must be determined according to the ordinary rules of competence. Canon 1561. § 1. Any person may be summoned to appear before the Ordinary of the place of their domicile or quasi-domicile. § 2. The Ordinary of the domicile or quasi-domicile has jurisdiction over a subject, even if absent. Canon 1562. § 1. One who is a sojourner in the City, even for a short time, may be summoned to appear there as if it were their own domicile; but they have the right to return home, that is, to request that the case be referred to their own Ordinary. § 2. One who resides in the City for a year has the right to decline the jurisdiction of the Ordinary and to request that they be summoned before the tribunals of the City. Canon 1563. A vagrant has his proper forum in the place where he actually resides; a religious person in the place of their house. Canon 1564. By reason of the location of the property, a party may be summoned before the Ordinary of the place where the disputed property is located, whenever the action is a direct action in rem. Canon 1565. § 1. By reason of a contract, a party may be summoned before the Ordinary of the place where the contract was entered into or is to be fulfilled. § 2. However, in the execution of a contract, the parties are permitted to choose a place, for the purpose of declaring, urging, or fulfilling the obligation, in which they may also be summoned and brought to appear, even if absent. Canon 1566. § 1. By reason of a crime, the accused is subject to the jurisdiction of the place where the crime was committed. § 2. Even if the accused has left the place after the crime, the judge of that place has the right to summon them to appear and to render a judgment against them. Canon 1567. By reason of connection or dependency, causes that are connected with each other should be heard by the same judge, unless a law prescribes otherwise.

[*Latin ed. p. 304*]

304 Codex Iuris Canonici, CAN. 1, 5, 6, 8. *Ratio praeventionis!* Cum duo vel plures iudices aeque competentes sunt, illis est ius causam

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cognoscendi quae prius citatione reum legitime convenit.

TITULUS I, De variis tribunalium gradibus et speciebus.

CAN. 1569. § 1. Ob primatum Romani Pontificis, integrum est cuilibet fideli in toto orbe catholico causam suam, sive contentiosam sive criminalem, in quovis iudicii gradu et in quovis litis statu, cognoscendam ad Sanctam Sedem deferre vel apud eandem introducere.

§ 2. Recursus tamen ad Sedem Apostolicam interpositus non suspendit, excluso casu appellationis, exercitium iurisdictionis in iudice qui causam iam cognoscere coepit; quique idcirco poterit iudicium prosequi usque ad definitivam sententiam, nisi constiterit Sedem Apostolicam causam ad se advocasse.

CAN. 1570. § 1. Exceptis causis Sedi Apostolicae reservatis aut ad eandem advocatis, ceterae omnes cognoscuntur a diversis tribunalibus, de quibus in can. 1572 seqq.

§ 2. Quodlibet tamen tribunal, quod attinet ad partium et testium examen aut citationem, documentorum vel rei controversae inspectionem, decretorum intimationem aliaque huiusmodi, ius habet in auxilium vocandi aliud tribunal, quod normas pro singulis actibus iure praescriptas servare debet.

CAN. 1571. Qui causam vidit in uno iudicii gradu, nequit eandem causam in alio iudicare.

CAPUT I. De tribunali ordinario primae instantiae.

ART. I. — De Iudice.

CAN. 1572. § 1. In unaquaque dioecesi et pro omnibus causis a iure expresse non exceptis, iudex primae instantiae est loci Ordinarius, qui iudiciariam potestatem exercere potest ipse per se, vel per alios, secundum tamen canones qui sequuntur.

§ 2. Si vero agatur de iuribus aut bonis temporalibus Episcopi aut mensae vel Curiae dioecesanae, controversia dirimenda deferatur vel, Episcopo consentiente, ad dioecesanum tribunal collegiale quod constat.

[*Latin ed. p. 305*]

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With an official and two older synodal judges, or to the judge immediately superior.

CAN. 1573. § 1. Every Bishop is bound to choose an official, endowed with ordinary power to judge, distinct from the General Vicar, unless the smallness of the diocese or the scarcity of affairs suggests that this office be entrusted to the General Vicar himself.

§ 2. The official constitutes one tribunal with the local Bishop: but he cannot judge causes which the Bishop reserves to himself.

§ 3. Assistants can be given to the official, who are called vice-officials.

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§ 4. Both the official and the vice-officials must be priests, of unblemished reputation, learned in Canon Law or otherwise skilled, and not less than thirty years of age.

§ 5. They are removable at the will of the Bishop; in the vacancy of the see, they do not cease from their office, nor can they be removed by the Capitular Vicar; but with the arrival of a new Bishop, they require confirmation.

§ 6. If the General Vicar is also the official, in the vacancy of the see, he ceases from the office of Vicar, but not from the office of official.

§ 7. If an official is chosen as Capitular Vicar, he names a new official.

CAN. 1574. § 1. In every diocese, no more than twelve priests of approved life and skilled in Canon Law, even if they are not diocesan residents, are chosen to participate in judging disputes with power delegated by the Bishop; these are called synodal judges or pro-synodal judges, if they are constituted outside the Synod.

§ 2. Concerning their election, substitution, cessation, or removal from office, the prescriptions of canons 385-388 are to be observed.

§ 3. By the name of synodal judges, pro-synodal judges also are included in law.

CAN. 1575. A single judge in any judgment may add to himself two consulting assessors; whom, however, he must choose from among the synodal judges.

CAN. 1576. § 1. Contrary custom is disapproved of, and any contrary privilege is revoked:

1.° Contentious causes concerning the bond of Holy Orders, and marriage, or concerning the rights or temporal goods of the cathedral church; also criminal cases in which the matter is concerning the deprivation of an inalienable benefice, or the imposition or declaration of excommunication, are reserved to a collegiate tribunal of three judges;

2.° Causes, however, concerning which are alleged crimes which merit the penalty of deposition, perpetual deprivation of ecclesiastical status, or degradation, are reserved to a tribunal of five judges.

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[*Latin ed. p. 306*]

306. The Code of Canon Law, § 2. The Ordinary may commit other causes to the cognizance of the collegiate tribunal of three or five judges, and he should especially do so when the causes involve matters which, considering the time, place, and persons involved, and the subject matter of the judgment, appear to be more difficult and of greater importance. § 3. The Ordinary shall choose, in turn, from among the judges, two or four

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judges who, together with the president, constitute the collegiate tribunal, as synodal judges, unless he deems it otherwise more suitable according to his prudence. CAN. 1577. § 1. The collegiate tribunal must proceed collegially, and render judgments by a majority of votes. § 2. It is presided over by the official or vice-official, whose duty it is to direct the proceedings and to determine what is necessary for the administration of justice in the case at hand. CAN. 1578. Except for cases concerning which, in can. 1572, § 2, the Bishop can always preside over the tribunal himself; but it is highly advisable that he entrust the judgment of cases, especially those criminal and contentious of grave importance, to the ordinary tribunal, which is presided over by the official or vice-official. CAN. 1579. § 1. If there is a dispute between exempt religious of the same religious order, the judge of first instance, unless otherwise provided in the constitutions, is the Provincial Superior, or, if it is a monastery of its own right, the local Abbot. § 2. Unless otherwise prescribed by the constitutions, if a contentious matter is brought between two provinces, the Supreme Moderator of the religious order shall judge it in the first instance, either himself or through a delegate; if between two monasteries, the Supreme Moderator of the monastic congregation. § 3. Finally, if a dispute arises between religious persons, whether physical or moral, of different religious orders, or even between religious of the same religious order who are not exempt, or between religious and secular clergy or laity, the judge of first instance is the Ordinary of the place. ARTICLE II. — Concerning Auditors and Relators. CAN. 1580. § 1. The Ordinary may establish one or more auditors, or instructors of the proceedings, either permanently or for a specific cause. § 2. The judge may only choose an auditor for the cause which he is judging, unless the Ordinary has already provided for it. CAN. 1581. Auditors for the diocesan tribunal should, as far as possible, be chosen from among the synodal judges; for the religious tribunal, they must always be chosen from among the members of the same religious order, according to the norms of the constitutions.

[*Latin ed. p. 307*]

Book Four - Concerning Procedures. Canon 307, 1582. It is their duty to summon and hear witnesses, and to conduct other judicial proceedings according to the mandate, but not to render a definitive judgment. Canon 1583. The auditor may be removed from his office at any stage of the proceedings by the one who appointed him, provided there is a just cause and without prejudicing the rights of the parties. Canon 1584. In a collegiate tribunal, the president must designate one of the judges of the college as the reporting judge, who will present the case to the assembled judges and record the judgments in writing; and the president may replace him with another for a just cause. ARTICLE III. - Concerning the Notary, the Promoter of Justice, and the Defender of the Bond. Canon 1585. § 1. A

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notary must be present for every proceeding, to perform the duties of a notary; so that no proceedings shall be valid if they have not been recorded by the hand of a notary, or at least signed by him. § 2. Therefore, the judge must appoint one of the legally constituted notaries to act as notary before beginning to hear the case, unless the Ordinary has already designated someone for that purpose. Canon 1586. A Promoter of Justice and a Defender of the Bond shall be established in the diocese; the former for causes, both contentious in which the public good, according to the judgment of the Ordinary, can be called into question, and for criminal causes; the latter for causes in which the bond of sacred ordination or marriage is involved. Canon 1587. § 1. In cases in which their presence is required, if the Promoter of Justice or the Defender of the Bond is not summoned, the proceedings are invalid, unless they are actually present, even though they have not been summoned. § 2. If, having been duly summoned, they are absent from some of the proceedings, the proceedings are valid, but they must subsequently be subjected to their examination, so that they may observe and propose, orally or in writing, whatever they deem necessary or appropriate. Canon 1588. § 1. The same person may perform the duties of both the Promoter of Justice and the Defender of the Bond, unless the multiplicity of business and cases prevents it. § 2. The Promoter and the Defender may be appointed either for a general body of cases or for individual cases. Canon 1589. § 1. It is the duty of the Ordinary to choose the Promoter of Justice and the Defender of the Bond, who must be priests of unimpeachable reputation, learned in Canon Law or otherwise qualified, and approved for their zeal for prudence and justice.

[*Latin ed. p. 308*]

Codex Iuris 308 § 2. In the tribunal of religious of the same order, a student of that order shall serve. The canonical promoter of justice shall furthermore be CAN. 1590. § 1. The promoter of justice and defensor vinculorum, elected for the university of causes, do not cease from their office, even if the episcopal see is vacant, nor can they be removed by the Vicarius Capitularis; however, upon the arrival of a new Prelate, their appointment requires confirmation. § 2. Nevertheless, if there is a just cause, the Bishop can remove them. ART. IV. — Concerning Cursors and Apparitors, CAN. 1591. § 1. For the notification of judicial acts, unless a different custom of the tribunal is proven, cursors are appointed, either for all causes or for a particular cause; likewise, apparitors are appointed to deliver the sentences and decrees of the judge, as entrusted to them, for execution. * § 2. The same person can perform both offices. CAN. 1592. These shall be laymen, unless prudence in a particular cause suggests that ecclesiastics be appointed to this office; and with regard to their nomination, suspension, and revocation, the same rules shall be observed as those established for notaries, can. 373. CAN. 1593. The acts which these individuals complete shall have pub-

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lic validity. CHAPTER II. Concerning the ordinary tribunal of the second instance. CAN. 1594. § 1. Appeal is made from the tribunal of the Suffragan Bishop to the Metropolitan. § 2. From causes treated in the first instance before the Metropolitan, appeal is made to the local Ordinary, whom the Metropolitan himself has designated, with the approval of the Apostolic See, once and for all. § 3. For causes first heard before the Archbishop who lacks Suffragans, or before the local Ordinary immediately subject to the Apostolic See, appeal is made to the Metropolitan, as mentioned in can. 285. § 4. Among the exempt religious, for all causes heard before the superior provincial, the tribunal of the second instance belongs to the supreme Moderator; for causes heard before the local Abbot, it belongs to the supreme Moderator of the monastic congregation; and for causes concerning which the prescription in can. 1579, § 3, is to be observed, the prescriptions of §§ 1, 2, and 3 of this canon shall be followed.

[*Latin ed. p. 309*]

Book Fourth - Concerning Processes 309. Canon 1595. The court of appeal must be constituted in the same manner as the court of first instance; and the same rules, adapted to the matter, must be observed in the discussion of the case. Canon 1596. If a case has been heard collegially in the first instance, it must also be decided collegially in the court of appeal, and not by a smaller number of judges. CHAPTER III. Concerning Ordinary Tribunals of the Apostolic See. Canon 1597. "The Roman Pontiff is the supreme judge for the entire Catholic world, according to canon 1569, who either pronounces judgment himself, or through tribunals established by himself, or through judges delegated by him. ARTICLE I. — Concerning the Sacred Roman Rota. Canon 1598. § 1. The ordinary tribunal established by the Holy See for receiving appeals is the Sacred Roman Rota, which is a collegiate tribunal consisting of a certain number of Auditors, presided over by a Dean, who is first among his peers. § 2. These Auditors must possess at least a doctorate in both Canon and Civil Law. § 3. The election of the Auditors is reserved to the Roman Pontiff. § 4. The Sacred Rota pronounces judgment either through individual panels of three Auditors, or by the unanimous vote of all, unless otherwise prescribed by the Supreme Pontiff for a particular reason. Canon 1599. § 1. The Sacred Rota judges: 1.° In the second instance, cases which have been decided in the first instance by the tribunals of any Ordinaries, and which are brought before the Holy See through a legitimate appeal; 2.° In the ultimate instance, cases which have already been heard by the Sacred Rota itself, and by other tribunals in the second instance or further instances, which have not become res judicata. § 2. This tribunal also judges in the first instance cases which the Roman Pontiff, either of his own motion, or at the request of the parties, has brought before his tribunal and referred to the Sacred Rota; and these cases, unless otherwise stipulated in the commission's decree, are also judged

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by the Sacred Rota in the second and third instances through panels that succeed each other.

[*Latin ed. p. 310*]

310. *Codex Iuris Canonici*, Canon 1600. Causes maiores are entirely excluded from the jurisdiction of this tribunal.

Codex Iuris Canonici, Canon 1601. Against the decrees of the Ordinaries, no appeal or recourse is granted to the Sacred Roman Rota; but such appeals are exclusively examined by the Sacred Congregations.

ARTICLE II. — Concerning the Apostolic Signatura.

Codex Iuris Canonici, Canon 1602. The Supreme Tribunal of the Apostolic Signatura consists of several Cardinals of the Holy Roman Church, one of whom performs the office of Prefect.

Codex Iuris Canonici, Canon 1603. § 1. The Apostolic Signatura exercises ordinary jurisdiction in the following matters: 1.° Concerning the violation of the secret, and concerning damages caused by Auditors of the Sacred Roman Rota, if they have rendered a judgment that is null or unjust; 2.° Concerning the exception of suspicion against any Auditor of the Sacred Roman Rota; 3.° Concerning a plea of nullity against a judgment of the Rota; 4.° Concerning a petition for restitution in integrum against a judgment of the Rota which has become res judicata; 5.° Concerning appeals against judgments of the Rota in matrimonial causes which the Sacred Rota has refused to admit for a new examination; 6.° Concerning a conflict of jurisdiction which may arise between inferior tribunals, according to canon 1612, § 2.

§ 2. It exercises delegated jurisdiction concerning petitions presented through suppliant briefs to the Most Holy [Pope], in order to obtain the appointment of a cause before the Sacred Roman Rota.

Codex Iuris Canonici, Canon 1604. § 1. In a criminal cause, of which mention is made in canon 1603, § 1, n. 1, if there is a place for an appeal, this is determined by the Supreme Tribunal itself.

§ 2. In the case of suspicion, the Apostolic Signatura determines whether there is a place for the recusal of an Auditor, or not; and having done so, it remits the judgment to the Sacred Roman Rota, so that, according to its ordinary rules, it may proceed, with the Auditor against whom the exception has been raised, either remaining in his place or being excluded.

§ 3. In the case of a plea of nullity or restitution in integrum or appeals, of which mention is made in canon 1603, § 1, nn. 3, 4, 5, it judges only whether the judgment of the Rota is null, whether there is a place for restitution, or whether the appeal is admissible; and if nullity is declared, or restitution is granted, or the appeal is admitted, it remits the cause to the Sacred Roman Rota, unless the Most Holy [Pope] otherwise provides.

§ 4. In the examination of suppliant briefs, the Signatura, having ob-

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tained appropriate information and having heard those who are interested, decides whether to grant or deny the petitions.

[*Latin ed. p. 311*]

Book Fourth - Concerning Processes 311 C A N. 1605. § 1. The sentences of the Supreme Tribunal of the Signature possess their own force, even though they may not contain reasons in fact and in law. § 2. Nevertheless, either at the request of a party or ex officio, if the matter requires it, the Supreme Tribunal can order that the aforementioned reasons be explained according to the Tribunal's own rules. CHAPTER IV. Concerning the delegated tribunal. C A N. 1606. The delegated judges are bound to observe the rules established in canons 199-207, 209. C A N. 1607. § 1. The judge delegated by the Holy See may use the officials established in the Curia of the diocese in which he must judge; but he can also choose and appoint others, unless something else is stipulated in the delegation. § 2. Judges delegated by the local Ordinaries, however, must use the officials of the diocesan Curia, unless the Bishop has decreed the appointment of special and extraordinary officials in a particular case for a grave reason. TITLE III. Concerning the discipline to be observed in the tribunals. CHAPTER I. Concerning the office of judges and the ministers of the tribunal. C A N. 1608. The competent judge must not refuse his ministry to the party legitimately requesting it, according to the firm prescription of canon 1625. C A N. 1609. § 1. Before summoning anyone to his tribunal and sitting to judge, the judge must see whether he himself is competent or not. § 2. In the same way, before admitting anyone to act, he must ascertain whether that person can legally appear in the judgment. § 3. However, it is not necessary to record these matters in the proceedings. C A N. 1610. § 1. If an exception is raised against the judge's competence, the judge himself must consider this matter. § 2. In the case of an exception of relative incompetence, if the judge declares himself to be competent, his decision does not admit of appeal.

[*Latin ed. p. 312*]

312. Code of Canon Law § 3. If the judge declares himself to be incompetent, the party who considers itself aggrieved may, within a period of ten days, file an appeal to the superior tribunal.

CAN. 1613. A judge who, at any stage of the case, recognizes himself to be absolutely incompetent, is obliged to declare his incompetence.

CAN. 1612. § 1. If a dispute arises among two or more judges as to which of them is competent for a particular matter, the matter must be determined by the immediately superior tribunal.

§ 2. If the judges, among whom there is a conflict of competence, belong to distinct superior tribunals, the determination of the dispute is reserved to the superior tribunal of that judge before whom the action was originally

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brought; if they do not have a superior tribunal, the conflict is resolved either by the Legate of the Holy See, if present, or by the Apostolic Signatura.

CAN. 3613. § 1. A judge shall not undertake a case in which, by reason of consanguinity or affinity in any degree of the direct line, and in the first and second degrees of the collateral line, or by reason of guardianship and curatorship, intimate life, great familiarity, or of the making of a profit or the avoidance of a loss, he has some interest, or in which he has previously acted as advocate or procurator.

§ 2. In the same circumstances, the promoter of justice and the defensor vinculi are obliged to abstain from their office.

CAN. 3614. § 1. When a judge, although competent, is rejected by a party as suspect, this exception, if raised against a delegated judge in a single case or against a college or the majority of the delegated judges, must be determined by the delegating authority; if raised against one or the other of several delegated judges, even if he is the president of the college, by the other delegated judges who are not suspected; if raised against an auditor of the Sacred Roman Rota, by the Apostolic Signatura, according to the norm of can. 1603, § 1, no. 2; if raised against an official, by the Bishop; if raised against an auditor, by the principal judge.

§ 2. If the Ordinary himself is the judge and an exception of suspicion is raised against him, he must either abstain from judging or refer the question of suspicion to the immediately superior judge.

§ 3. If an exception of suspicion is raised against the promoter of justice, the defensor vinculi, or other officials of the tribunal, this exception is examined by the president in a collegiate tribunal, or by the judge himself if he is the only judge.

CAN. 1615. § 1. If a single judge or some, or even all, of the judges who constitute a collegiate tribunal are declared suspect, the personnel must be changed, but not the grade of the judgment.

[*Latin ed. p. 313*]

Book Four - On Procedures 313 § 2. It belongs to the Ordinary to substitute others, who are immune from suspicion, for those who have been declared suspect, in the place of the judges. § 3. If the Ordinary himself has been declared suspect, the same procedure shall be followed by the immediately superior judge. CAN. 1616. The exception of suspicion must be defined expeditiously, after hearing the parties, the promoter of justice, or the defender of the bond, if they are present, and the exception itself must not apply to the parties themselves. CAN. 1617. With regard to the time within which exceptions of incompetence and suspicion may be raised, the prescription of can. 1628 must be observed. CAN. 1618. In a matter which concerns only private individuals, the judge may proceed only at the request of a party; but in cases of delict, and in those which concern the

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public good of the Church or the salvation of souls, he may also proceed ex officio. CAN. 1619. § 1. If the plaintiff fails to present the evidence which he can offer, or if the defendant fails to raise the exceptions which are his due, the judge must not supply them. § 2. However, if the matter concerns the public good or the salvation of souls, he may and must supply them. CAN. 1620. Judges and tribunals should take care to ensure that all cases are concluded as soon as possible, and that in the court of first instance they are not prolonged beyond two years, and in the court of second instance beyond one year. CAN. 1621. § 1. Except for the Bishop who exercises judicial power by himself, all those who constitute a tribunal or who assist it, must duly and faithfully perform an oath regarding the proper discharge of their office, before the Ordinary or before the judge by whom they were chosen, or before an ecclesiastical person delegated by either of them: and this must be done from the beginning of their office, if they are permanent members, or before the case is heard, if they are appointed for a particular cause. § 2. Even a judge delegated by the Apostolic See, or an ordinary judge in a clerical institute exempt from ordinary jurisdiction, is also bound to take the same oath when the tribunal is first constituted, in the presence of the notary of the tribunal, who shall record the taking of the oath. CAN. 1622. § 1. Whenever an oath is taken, whether by judges or by officials of the tribunal, or by the parties, witnesses, or experts, it must always be preceded by the invocation of the Divine Name, and by priests, by touching the breast, and by other faithful, by touching the Book of the Gospels.

[*Latin ed. p. 314*]

314. Codex Iuris Canonici § 2. When the judge receives a witness, expert, or party to swear an oath, he shall duly admonish them concerning the sanctity of the act and the very grave offense committed by those who violate the oath, and also concerning the penalties to which those who falsely affirm under oath in court are subject. § 3. The oath shall be given according to a formula approved by the judge, before the same judge or his delegate, in the presence of both parties, or at least one of them, who wishes to be present at the giving of the oath.

CAN. 1623. § 1. In criminal cases, and in contentious cases if the revelation of some act of the proceedings could prejudice the parties, judges and court officials are bound to observe the official secret. § 2. They are also always bound to maintain inviolable secrecy concerning discussions held in a collegiate tribunal before the rendering of the judgment, as well as concerning the various votes and opinions expressed therein. § 3. Moreover, whenever the nature of the case or the evidence is such that the publication of actions or evidence could endanger the reputation of others, or provide an opportunity for discord, or cause scandal or some other similar harm, the judge may bind witnesses, experts, parties, and their advocates or procurators to observe secrecy by oath.

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CAN. 1624. The judge and all court officials are prohibited from accepting any gifts in the course of performing their duties.

CAN. 1625. § 1. Judges who refuse to render judgment when they are clearly and manifestly competent, or who rashly declare themselves to be incompetent, or who, through culpable negligence or deceit, render a judgment that is invalid or unjust, or who otherwise cause harm to the parties in a lawsuit, may be subject to appropriate penalties, including the deprivation of their office, by the local Ordinary, or, if the Bishop is involved, by the Apostolic See, at the request of a party or even ex officio, according to the gravity of the offense. § 2. Judges who presume to violate the law of secrecy or to communicate secret matters to others in any way shall be punished with a monetary fine and other penalties, including the deprivation of their office, according to the gravity of the offense, without prejudice to special statutes that prescribe more severe penalties. § 3. The same penalties apply to court officials and assistants if they fail in their duties as described above, and the judge may also punish them all.

CAN. 1626. If the judge foresees that the plaintiff will probably disregard the ecclesiastical judgment if it happens to be contrary to his own interests, and therefore the defendant has not been duly heard, he may, at the request of the defendant or even ex officio, require the plaintiff to provide a suitable guarantee for the observance of the ecclesiastical judgment.

[*Latin ed. p. 315*]

Book Fourth - Concerning Procedures, CHAPTER 315 II. Concerning the order of proceedings. CANON 1627. Judges and tribunals are bound to examine the cases brought before them in the order in which they were presented, unless some of them require a swifter course of action than others, which matter shall be determined by a special decree of the judge or tribunal. CANON 1628. § 1. Dilatory exceptions, especially those concerning persons and the manner of judgment, are to be proposed and examined before the commencement of the dispute, unless they have already arisen during the dispute, or a party affirms under oath that they have only become known to them at that time. § 2. However, the exception of the judge's incompetence may be raised by the parties at any stage and degree of the case. § 3. Likewise, the exception of excommunication may be raised at any stage and degree of the proceedings, provided it is done before the final judgment; indeed, if the case concerns those to be avoided, or those against whom a condemnatory or declaratory sentence has been pronounced, they must always be excluded by law. CANON 1629. § 1. Peremptory exceptions, which are said to terminate the dispute, such as the exception of res judicata, transaction, etc., must be proposed and examined before the commencement of the dispute; he who raises them later shall not be rejected, but shall be condemned in costs, unless he proves that he did not maliciously delay the objection. § 2. Other peremptory exceptions

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must be raised after the commencement of the dispute, and they are to be dealt with in due course according to the rules concerning incidental matters. CANON 1630. § 1. Counterclaims may be brought more appropriately immediately after the commencement of the dispute, and at any moment of the proceedings, but before the judgment. § 2. They are to be examined together with the main claim, that is, on an equal footing with it, unless it is necessary to examine them separately, or the judge deems it more appropriate. CANON 1631. Questions concerning the provision of a guarantee for judicial costs, or the granting of gratuitous legal aid, which has been requested from the beginning, and other similar matters, are to be regularly considered before the commencement of the dispute. CANON 1632. Whenever, after the main controversy has been raised, a preliminary question arises, that is, a question of such a nature that the solution of the main question depends on its solution, that preliminary question must be examined first by the judge.

[*Latin ed. p. 316*]

316. Codex Iuris CAN. Canonici 1633. § 1. Si ex principali controversia quaestiones incidentes nascantur, cognoscantur prius eae quarum solutio viam sternat ad aliarum solutionem. § 2. Quod si nullo nexu logico inter se cohaereant, quae prius ab alterutra parte propositae sunt, illae antea definiantur. § 3. Si de spolio incidat quaestio, haec ante omnia est dirimenda.

CAPUT III. De dilationum terminis et fatalibus.

CAN. 1634. § 1. Fatalia legis quae dicuntur, idest termini perimendis iuribus a lege constituti, prorogari non possunt. § 2. Termini autem iudiciales et conventionales, ante eorum lapsum, poterunt, iusta intercedente causa, a iudice, auditis vel petentibus partibus, prorogari. § 3. Caveat tamen iudex ne nimis diuturna lis fiat ex prorogatione.

CAN. 1635. Si dies, pro actu iudiciali indicta, sit feriata nec in decreto iudicis dicatur expresse tribunal vacaturum nihilominus causis cognoscendis, terminus intelligitur prorogatus ad primam sequentem diem non feriatam.

CAPUT IV. De loco et tempore iudicii.

CAN. 1636. Quamvis Episcopus in quolibet suae dioecesis loco, qui non sit exemptus, ius habeat erigendi tribunal, nihilominus penes suam sedem aulam statuat, quae sit ordinarius iudiciorum locus: ibique Crucifixi imago emineat, et adsit Evangeliorum liber.

CAN. 1637. Iudex e territorio suo vi expulsus vel a iurisdictione ibi exercenda impeditus, potest extra territorium iurisdictionem suam exercere et sententiam ferre, certiore tamen hac de re facto loci Ordinario.

CAN. 1638. § 1. In unaquaque dioecesi Ordinarius publico decreto dies et horas definiri curet, pro loci ac temporum adiunctis opportunas, quibus tribunal adiri regulariter possit, et ab eo iustitiae administratio exigi. § 2.

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Iusta tamen de causa, et quoties periculum sit in mora, fas est fidelibus quovis tempore iudicis ministerium in sui iuris vel boni publici tutelam invocare.

[*Latin ed. p. 317*]

Book Four - Concerning Procedures 317. Canon 1, 6, 3, 9. § 1. Holy days of precept, and the last three days of Holy Week, shall be observed as holidays; and on these days, it is forbidden to serve citations, to hold hearings, to examine parties and witnesses, to take evidence, to pronounce decrees and judgments, to make announcements, and to execute them, unless necessity, Christian charity, or the public good require otherwise. § 2. It belongs to the judge, in each case, to determine and declare what acts mentioned above must be completed on those days.

CHAPTER V. Concerning those who may be admitted to a judicial proceeding, and concerning the manner of preparing and preserving the records. Canon 1640. § 1. While a case is being heard before the tribunal, outsiders shall be kept away from the courtroom, and only those whom the judge deems necessary for the progress of the case shall be present. § 2. All who attend the hearing and are gravely lacking in due reverence and obedience to the tribunal, the judge may, even immediately and without delay, if anyone commits such an offense while the tribunal is in session, bring back to the proper path by means of censures or other appropriate penalties; furthermore, he may deprive lawyers and advocates, even by law, of the right to conduct other cases before ecclesiastical tribunals.

Canon 1641. If a person ignorant of the local language participates in a procedural act, and the judges and parties do not understand the language of that person, a sworn interpreter shall be used, appointed by the judge, against whom neither party has raised a legitimate objection.

Canon 1642. § 1. Judicial acts, whether those pertaining to the substance of the matter, namely, the acts of the case, such as, for example, judgments and all kinds of evidence, or those pertaining to the form of the procedure, namely, the acts of the process, such as, for example, citations, notifications, etc., must be reduced to writing. § 2. Unless a just cause dictates otherwise, they shall be written in the Latin language, as far as possible; but the interrogations and answers of witnesses, and other similar matters, must be recorded in the vernacular language.

Canon 1643. § 1. Each sheet of the process shall be numbered; and the signature of the clerk, together with the seal of the tribunal, shall be affixed to each sheet. § 2. At the completion of each act, whether it be completed or interrupted, or adjourned to another session, the signature of the clerk and of the judge or the presiding officer of the tribunal shall be affixed. § 3. Whenever the signatures of the parties or witnesses appear in the judicial

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acts,

[*Latin ed. p. 318*]

318 The Code of Canon Law requires that, if a party or witness is unable or unwilling to act, this fact be noted in the proceedings, and that the judge and clerk attest that the proceedings themselves have been read verbatim to the party or witness, and that the party or witness was either unable or unwilling to sign. C A N. 1644. § 1. In the case of an appeal, copies of the proceedings, prepared according to canons 1642 and 1643, and bound together, along with an index of all proceedings and documents, and with a certification from the clerk or chancellor regarding their faithful transcription and integrity, shall be sent to the higher tribunal; if copies cannot be prepared without serious inconvenience, the original proceedings themselves shall be sent with appropriate precautions. § 2. If they are to be sent to a place where the vernacular language is not known, the proceedings themselves shall be translated into the Latin language, with precautions taken to ensure that a faithful translation is established. § 3. If the proceedings have not been completed in the proper form and manner, they may be rejected by the higher judge; in which case, those to whom fault can be attributed are required to complete and send the proceedings anew at their own expense. C A N. 1645. § 1. Upon completion of the judgment, the documents must be returned to the parties, unless, in criminal cases, the judge has determined that something must be retained for the public good. § 2. All documents that remain with the tribunal shall be deposited in the archives of the Curia, whether public or secret, as their nature requires. § 3. Notaries, clerks, and chancellors are prohibited from delivering, without the order of the judge, a copy of the judicial proceedings and documents that have been acquired in the course of the proceedings. § 4. Anonymous letters that do not contribute anything to the merits of the case, and even signed letters that are certainly defamatory, shall be destroyed. TITLE IV. Concerning the parties in the case. CHAPTER I. Concerning the plaintiff and the defendant. C A N. 1646. Anyone may appear in court, unless they are prohibited by the sacred canons; but the defendant duly summoned must answer. C A N. 1647. It is permissible for the plaintiff or the defendant to appoint a procurator or advocate, but nevertheless, they are always required to be present in court themselves, according to the law or the order of the judge.

[*Latin ed. p. 319*]

Book Fourth - Concerning Processes. CAN. 319, 1648. § 1. For minors and those who are deprived of the use of reason, their parents or guardians, or curators, are bound to appear and respond in court. § 2. If the judge considers that the rights of these individuals are in conflict with the rights of the parents or guardians, or if they are so far removed from the parents or

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guardians that it is either impossible or very difficult to use their assistance, then they must be represented in court by a curator appointed by the judge. § 3. But in spiritual causes and those connected with spiritual matters, if minors have attained the use of reason, they can appear and respond without the consent of the father or guardian; and indeed, if they have completed the age of fourteen years, they can even do so by themselves; otherwise, through a guardian appointed by the Ordinary, or even through a procurator appointed by themselves, with the authority of the Ordinary. CAN. 1649. In the case of those concerning whom a provision is made in can. 100, § 3, the rector or administrator appears in court in their name, according to the firm prescription of can. 1653; but if their rights are in conflict with the rights of the rector or administrator, a procurator appointed by the Ordinary is designated. CAN. 1650. Those who are interdicted from the use of their goods, and those who are of unsound mind, can appear in court on their own behalf only to answer for their own crimes, or at the direction of the judge; in all other matters, they must appear and respond through their curators. CAN. 1651. § 1. In order for a curator appointed by civil authority to be admitted by an ecclesiastical judge, he must obtain the consent of the Ordinary of the place to which he has been appointed. § 2. The Ordinary can also appoint another curator for the ecclesiastical forum, if, after mature deliberation, he deems it prudent to do so. CAN. 1652. Religious [persons] do not have the right to appear in court without the consent of their Superiors, except in the following cases: 1.° If a case is brought concerning the vindication of rights against the religious order which have been acquired to them by their profession; 2.° If they are legitimately absent from the cloister and the protection of their rights is required; 3.° If they wish to bring a denunciation against their Superior. CAN. 1653. § 1. Ordinaries of places can appear in court in the name of the cathedral church or the episcopal see; but, in order to act lawfully, they must obtain the consent or advice of the cathedral chapter or the administrative council, whenever a matter involving a sum of money is at stake.

[*Latin ed. p. 320*]

320 The Code of Canon Law requires, according to canon 1532, the consent or advice of those concerned when something is to be alienated. § 2. All beneficiaries can, by virtue of their office, act or respond in court; however, in order to do so lawfully, they must observe the prescription of canon 1526. § 3. Prelates and Superiors of Chapters, sodalities, and any other colleges, cannot act in court, in the name of their respective communities, without the consent of the same, according to the statutes. § 4. Against those mentioned in §§ 1-3, if they act in court without the prescribed consent or advice, the injured party or the community has the right to seek compensation for damages. § 5. In the case of fault or negligence on the part of the one who performs the duties of administrator, the Ordinary of

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the place can, by himself or through another, act in court in the name of the moral persons who are under his jurisdiction. § 6. Religious Superiors cannot act in court in the name of their community, except according to their constitutions. CANON 1654. § 1. "Excommunicates, to be avoided or tolerated," after a declaratory or condemnatory sentence, are permitted to act on their own behalf only to challenge the justice or legitimacy of the very excommunication; through a procurator, to avoid any other prejudice to their soul; in all other matters, they are prohibited from acting. § 2. Other excommunicates generally can act in court. CHAPTER II. Concerning procurators in lawsuits and advocates. CANON 1655. § 1. In criminal proceedings, the accused must always have an advocate, either one chosen by himself or appointed by the judge. § 2. Also, in contentious proceedings, if the case involves minors or a matter in which the public good is at stake, the judge shall assign a defender to the party lacking one, or, if the circumstances warrant, add another to the party already having one. § 3. Apart from these cases, each party is free to appoint an advocate and procurator, but may also act and respond in court on their own behalf, unless the judge considers the ministry of a procurator or advocate to be necessary. § 4. But the Bishop, if he is involved in a case, must appoint someone who will represent him, in a procuratorial capacity. CANON 1656. § 1. Each person can choose a procurator, who cannot substitute another for himself, unless expressly authorized to do so. § 2. But if, for a just reason, several are appointed by the same person, they must be arranged in such a way that there is room for prevention among themselves.

[*Latin ed. p. 321*]

Book Fourth, On Procedures, 321 § 3. Several advocates may be appointed together. I 4. Both roles, that of procurator and advocate, can be exercised by the same person in the same cause and for the same client. CAN. 1657. § 1. The procurator and advocate must be Catholics, of mature age, and of good reputation; a non-Catholic may not be admitted, unless by exception and out of necessity. § 2. The advocate must, moreover, be a doctor or otherwise truly experienced, at least in canon law. § 3. A religious may be admitted, unless otherwise provided for in the constitutions, only in cases concerning the benefit of his religious order, and with the permission of his Superior. CAN. 3658. § 1. Any person may be chosen and appointed as procurator at will, provided that he is suitable according to the preceding canon, although it is necessary that the approval of the Ordinary precedes. § 2. The advocate, however, in order to be admitted to practice, requires the approval of the Ordinary, which may be either general for all cases or special for a particular case. § 3. In a trial before a delegate of the Holy See, it is the delegate who must approve and admit the advocate whom the party wishes to use. § 4. In cases which fall under the norms of canon 1659, §§ 1, 2, the procurator and advocate must

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be chosen from the same religious order and approved by the one who represents the parties before the judge in the case; in cases which fall under the norms of the same canon § 3 and are heard before the tribunal of the Ordinary of the place, a person from outside the religious order may also be admitted. CAN. 1659. § 1. The procurator must not be admitted by the judge until he has deposited with the tribunal a special written mandate for litigation, also bearing the signature of the mandator, and indicating the place, day, month, and year. § 2. If the mandator is unable to write, it is necessary that this be established by a written document, and that a parish priest or a notary of the Curia, or two witnesses, sign the mandate in place of the mandator. CAN. 1660. The mandate of procuration must be preserved in the records of the case. CAN. 1661. The advocate, in order to undertake the defense of a case, must have a commission from the party or from the judge, similar to a mandate of procuration, of which there must be a record in the records. CAN. 1662. Unless he has a special mandate, the procurator cannot renounce the action, the instance, or the judicial acts, nor can he compromise, settle, or make any agreement.

[*Latin ed. p. 322*]

The Code of Canon Law is to be sent to the arbitrators; they are to swear an oath, and generally, they are to perform those actions for which the law requires a special mandate. CAN. 1663. Both the procurator and the advocate may be dismissed by the judge, upon a decree given, either ex officio or at the request of a party, but for a just cause. CAN. 1664. § 1. Advocates and procurators may be removed by the one who appointed them, with the obligation to pay the fees due to them remaining; however, in order for the removal to take effect, it must be notified to them, and, if the case has already been contested, the judge and the *adversa* party must be informed of the removal. § 2. After a final sentence has been rendered, the right and duty of appeal, if the appellant does not refuse, remains with the procurator. CAN. 1665. § 1. Both are forbidden from buying up a case, or from settling a disputed matter for an excessive fee, or for a part of the subject of the dispute. § 2. If they do so, the agreement is null and void, and they may be penalized with a monetary fine by the judge or the Ordinary; furthermore, the advocate may be suspended from office, and, if he is a recidivist, dismissed and deprived of his title. CAN. 1666. Advocates and procurators who have betrayed their office through gifts, promises, or any other means, shall be removed from office, and, in addition to the restitution of damages, shall be subject to a monetary fine or other appropriate penalties. TITLE V. Of Actions and Exceptions. CAN. 1667. Every right is not only protected by an action, unless otherwise expressly provided, but also by an exception, which always applies and is of its own nature perpetual. CAN. 1668. § 1. He who, in order to obtain what is due to him, or to pursue his right in court, acts with authority of law attached, engages

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in a lawsuit which is called a "petitory" action. § 2. If, on the other hand, he demands possession of a thing, or quasi-possession of a right, his action is called a "possessory" action. CAN. 1669. § 1. The plaintiff may bring several actions simultaneously, provided that they do not conflict with each other, whether concerning the same matter or different matters, provided that they do not exceed the jurisdiction of the court. § 2. The defendant is not prohibited from using several exceptions, even if they are contradictory.

[*Latin ed. p. 323*]

Book Four - Concerning Processes. Canon 323, 1670. § 1. The plaintiff may, in a single instance, combine possessory and petitory actions, unless the exception of spoliation is raised by the defendant. § 2. Likewise, the defendant, being summoned in a petitory action, may bring a counter-suit in a possessory action; and conversely, unless the matter pertains to spoliation. Canon 1, 6, 7, 1. § 1. Furthermore, it is permissible for the plaintiff, before the cause is concluded, to revert from an instituted petitory judgment to a possessory action, in order to obtain or recover possession. § 2. Indeed, for a just cause, the judge may even, after the cause has been concluded, but before a final judgment, permit such a reversion. § 3. It is incumbent upon the judge, considering the allegations of the parties, either to define both questions with a single judgment, or to first render judgment in favor of one party, and then, subsequently, in favor of the other, as it may seem more expedient for the swifter and more complete protection of rights.

CHAPTER I. Concerning the sequestration and inhibition of the exercise of the right. Canon 1672. § 1. He who demonstrates that he has a right to a certain thing held by another, and that damage threatens him, unless the thing itself is delivered, has the right to obtain from the judge the sequestration of that same thing. § 2. In similar circumstances, he may obtain that the exercise of the right be inhibited to another. § 3. Sequestration of the thing and inhibition of the exercise of the right may be decreed by the judge ex officio, especially when the promoter of justice or the defender of the bond requests it, whenever the public good seems to require it. Canon 1673. § 1. Sequestration of the thing is also admitted for the security of a debt, provided that there is a clear proof of the creditor's right, and the norm mentioned in canon 1923, § 1, is observed. § 2. Sequestration extends also to the debtor's property which is found with other persons, whether for the purpose of deposit or by any other title. Canon 1674. Sequestration of the thing and suspension of the exercise of the right cannot be decreed if the damage feared can be otherwise repaired, and if a suitable guarantee for its repair is offered. Canon 1675. § 1. A suitable person, proposed by the parties, shall be designated by the judge to be in charge of the thing subject to sequestration; this person is called the sequestrator. If the parties

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disagree, the judge shall designate a sequestrator ex officio.

[*Latin ed. p. 324*]

324. Code of Canon Law, § 2. The person entrusted with the custody, care, and preservation of a sequestered property must exercise no less diligence than he would exercise with regard to his own property, and he is obligated to return it afterward, when the judge has so ordered, with all its contents. § 3. The judge shall determine a suitable compensation for the sequestrator, if he requests it.

CHAPTER II. Concerning actions arising from the notification of a new work and damage threatened.

CANON 1676. § 1. Whoever fears that damage to his property may result from some new work, may notify the judge thereof, so that the work may be interrupted until the rights of both parties are defined by the judgment of the judge.

§ 2. He to whom the prohibition has been notified must immediately cease the work, but, provided he adequately guarantees that he will restore everything to its previous state if he is defeated in the judgment, he may request the judge to allow the continuation of the same work.

§ 3. Two months are prescribed to the one who notifies the new work in order to demonstrate his right; these may be extended or reduced by the judge, after hearing the other party, for a just and necessary reason.

CANON 1677. If an old work is changed to a great extent, the same right shall apply as is established in canon 1676 concerning a new work.

CANON 1678. Whoever fears that a serious damage to his property may be imminent from a foreign building which threatens to collapse, from a tree, or from any other thing, has the right to bring an action for damages in order to obtain the removal of the danger, or a guarantee against the damage, either by preventing it, or by compensating for it, should it occur.

CHAPTER III. Concerning actions for nullity of acts.

CANON 1679. If an act or contract is null by law, the person whose interest is involved has the right to obtain from the judge a declaration of nullity.

CANON 1680. § 1. Nullity of an act is held to exist only when those things which essentially constitute the act itself are lacking, or when the formalities or conditions required by the sacred canons are absent, under penalty of nullity.

§ 2. The nullity of one act does not imply the nullity of acts that precede or follow it, and which are not dependent on the act in question.

CANON 1681. Whoever has performed an act tainted with a defect of

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nullity is liable for damages and expenses to the injured party.

[*Latin ed. p. 325*]

Book Four - Concerning Processes 325. Canon 1. 6. 8. 2. The nullity of an act cannot be declared *ex officio*, unless either it is publicly demonstrated, or it concerns the poor, or minors, or others who are considered to be under the law of minors. Canon 1688. An inferior judge cannot examine a confirmation, affixed to an act or instrument by the Roman Pontiff, unless the Apostolic See has previously given a mandate. CHAPTER IV. Concerning rescissory actions and restitution to the integral state. Canon 1684. § 1. If someone, through unjust and severe fear instilled, or through deceit, has entered into an act or contract which, by its own law, is not null, he can, upon proving the fear or deceit, obtain the rescission of the act or contract through an action called rescissory. § 2. The same action can be used within two years by him who has suffered a grave injury from the contract, exceeding half, through error. Canon 1685. This action can be instituted: 1. ° Against him who instilled the fear or committed the deceit, even though he himself did not act for his own benefit, but for the benefit of another; 2. ° Against any possessor, of bad faith and even of good faith, who possesses things extorted through fear or deceit, with the right of recourse preserved against anyone up to the author of the fear or deceit. Canon 1686. If he who instilled the fear or committed the deceit, demands the execution of the act or contract, the injured or deceived party has the right to the exception of fear or deceit. Canon 1687. § 1. To minors or those enjoying the rights of minors who have suffered grave injury, and to their heirs and successors, a special remedy of restitution to the integral state is available, in order to repair the injury arising from a valid, but rescindable, transaction or act, in addition to the ordinary remedies. § 2. This benefit is also granted to adults, when the rescissory action or another ordinary remedy fails, provided they prove that they have a just cause and that the injury is not imputable to them. Canon 1688. § 1. Restitution to the integral state must be requested from the ordinary judge, who is competent with respect to the person against whom it is requested, within four years from the attainment of majority, if it concerns minors; from the day the injury was committed, and the cessation of the impediment, if it concerns adults or legal persons.

[*Latin ed. p. 326*]

326. Codex Iuris Canonici § 2. Ad minores vel eos qui sub tutela iudiciali sunt, restitutio plena potest concedi a iudice etiam ex officio, post auditum vel instigationem promotori iustitiae. CAN. 1689. Restitutio in integrum efficaciter reddit ut omnia revertant ad pristinum statum, id est, restituantur ad conditionem in qua erant ante iniuriam, salva iura quae alii, bona fide, ante petitam restitutionem acquisiverunt.

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CAPUT V. De actionibus reciprocarum vel reconventionalibus. CAN. 1690. § 1. Actio quam reus, coram eodem iudice, in eodem processo, initit contra actorem, ad removendum vel minuendum eius petitionem, dicitur reconventio. § 2. Reconventio super reconventionem non admittitur. CAN. 1691. Actio reconventionalis potest haberi in omnibus causis contentiosis, exceptis causis spolii; in criminalibus vero, non admittitur, nisi secundum normam canonis 2218, § 3. CAN. 1692. Haec debet proponi iudici coram quo actio principalis instituta est, licet ad unam causam delegato vel alioquin incompetenti, nisi sit absolute incompetens.

CAPUT V T. De actionibus vel remediis possessoriis. CAN. 1693. Qui ad possessionem alicuius rei adipiscendum, vel ad exercitium iuris super rem, muniebatur titulo legitimo, potest petere ut in possessionem rei vel ad exercitium iuris admittatur. CAN. 1694. Non solum possessio, sed etiam simplex detentio, secundum canonos qui sequuntur, praebet actionem vel exceptionem possessoriam. CAN. 1695. § 1. Qui annum integrum in possessione rei vel in quasi-possessione iuris manserit, et si patiatur molestiam quae impediat eum retinere suam possessionem vel quasi-possessionem, habet actionem retinendae possessionis. § 2. Haec actio non admittitur nisi intra annum ab illata molestia, et contra auctorem molestiae, ut a molestiis desista.

[*Latin ed. p. 327*]

Book Fourth - Concerning Possessory Actions. Canon 327, 1696. § 1. Even he who possesses by force, stealth, or precariously, may bring an action to retain his possession against any disturber; but not against the person from whom he himself forcibly or stealthily took the thing, or from whom he received it precariously. § 2. In causes which concern the public good, the promoter of justice has the right to oppose a defect of possession against him who possesses by force, stealth, or precariously. Canon 1697. § 1. If a dispute arises between two persons as to who possesses, he who has exercised more frequent and stronger acts of possession within the year shall be preferred. § 2. In case of doubt, the judge shall attribute the possession to both parties in equal measure. § 3. If the nature of the thing or the right, or the danger of contention and quarrels, do not permit the possession to be attributed to both parties in equal measure during the pendency of the litigation, the judge shall order the thing to be deposited with a sequestrator, or the quasi-possession of the right to be suspended, until the outcome of the petitionary judgment. Canon 1698. § 1. He who has been ejected from the possession of a thing, or from the quasi-possession of a right, by force or stealth, in any manner, has an action against any author of the spoliation, or against the holder of the thing, to recover possession, or for the spoliation and exception from the spoliation. § 2. This action is not admitted after the lapse of a year from the time when he who has suffered the spoliation had knowledge of it; the exception, on the contrary, is perpetual. Canon 1699.

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§ 1. He who, having suffered a spoliation, brings an exception against the spoliator and proves the spoliation, is not required to answer, unless he has first been restored to his possession. § 2. To be restored to possession, he who has suffered a spoliation must prove nothing other than the spoliation itself. § 3. But if there is some danger in the restitution of the thing, or in the exercise of the right (e.g., of violence, when a husband demands the restitution of conjugal intercourse from his wife), the judge, at the request of a party or the promoter of justice, shall, according to the circumstances of the persons or causes, decide either to suspend the restitution, or to have the thing or the person kept in custody with a sequestrator, until the cause is defined by a petitionary judgment. Canon 1700. Possessory judgments are to be carried out, provided only the party against whom the action is brought is cited in the judgments for retaining or recovering possession; but all those whose interests are involved are to be cited in the judgments for acquiring possession.

[*Latin ed. p. 328*]

Codex Iuris Canonici 328, CAPUT VII. De extinctione actionum.

CAN. 1701. Actiones contentiosae, sive reales sive personales, extinguuntur praescriptione, secundum normam canonum 1508-1512; actiones autem de statu personarum numquam extinguuntur.

CAN. 1702. Omnis actio criminalis perimitur morte rei, condonatione legitimae potestatis, et lapsu temporis utile ad actionem criminalem proponendam.

CAN. 1703. Firmiter praescripto in can. 1555, § 1, de delictis Sacrae Congregationi S. Officii reservatis, tempus utile ad actionem criminalem proponendam est triennium, nisi agatur: 1.° De actione iniuriarum, quae uno anno perimitur; 2.° De actione ob delicta qualificata contra VI et VII divinum praeceptum, quae quinquennio perimitur; 3.° De actionibus ob simoniam vel homicidium, contra quae actio criminalis decennio perdurat.

CAN. 1704. Sublata per praescriptionem actione criminali: 1.° Non est hoc ipso sublata actio contentiosa, forte ex delicto orta, ad damna sarcienda; 2.° Ordinarius remediis can. 2222, § 2 statutis uti adhuc potest.

CAN. 1705. § 1. Praescriptio in contentiosis currit ex quo actio primum potuit iure proponi; in criminalibus, a die patrati delicti.

§ 2. Si delictum habeat tractum, ut vocant, successivum, non currit praescriptio, nisi a die qua delicti tractus cessaverit.

§ 3. In delicto habituali vel continuato praescriptio non decurrit nisi post ultimum actum; et conventus ob aliquem criminosum actum non praescriptum, tenetur de antiquioribus, qui cum eodem actu connectuntur, etiamsi singulatim sumpti ob praescriptionem excluderentur.

TITULUS VI. De causae introductione.

CAPUT I. De libello litis introductorio.

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CAN. 1706. Qui aliquem convenire vult, debet libellum competenti iudici exhibere, in quo controversiae obiectum proponatur, et ministerium iudicis ad deducta iura persequenda expostuletur.

[*Latin ed. p. 329*]

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CAN. 1707. § 1. He who is unable to write, or is legitimately prevented from presenting a written petition, may present his petition orally before the tribunal.

§ 2. Furthermore, in cases of easier investigation and of lesser importance, and therefore to be expedited quickly, it is left to the judge's discretion whether to admit an oral petition.

§ 3. In both cases, however, the judge shall order a notary to draw up a written record of the proceedings, which must be read to the plaintiff and approved by him.

CAN. 1708. The petition by which a lawsuit is introduced must:

1.° Express before which judge the case is introduced, what is requested, and from whom it is requested;

2.° Indicate, at least generally, by what law the plaintiff seeks to substantiate the things alleged and asserted;

3.° Be signed by the plaintiff or his procurator, with the date, month, and year, and also the place where the plaintiff or his procurator resides, or where he states he resides, for the purpose of receiving documents.

CAN. 1709. § 1. The judge or tribunal, after having ascertained that the matter is within its jurisdiction and that the plaintiff has a legitimate standing to sue, must promptly either admit or reject the petition, adding in the latter case the reasons for the rejection.

§ 2. If the petition has been rejected by the judge's decree due to defects that can be corrected, the plaintiff MAY present a new petition, properly prepared, again to the same judge; if the judge rejects the amended petition, he must state the reasons for the new rejection.

§ 3. Against the rejection of the petition, the party concerned always has the right to appeal within a period of ten days to the superior tribunal; from which, after hearing the parties and the promoter of justice or the defender of the bond, the question of the rejection must be resolved as quickly as possible.

CAN. 1710. § 1. If the judge does not issue a decree within one month from the presentation of the petition, either admitting or rejecting it, in accordance with canon 1709, the interested party may insist that the judge perform his duty; if, nevertheless, the judge remains silent, after five days from the insistence, he may appeal to the Ordinary of the place, if he himself is not the judge, or to the superior tribunal, so that either the judge may be ordered to resolve the case, or another may be appointed in his place.

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CHAPTER II. Concerning the citation and notification of judicial acts.

CAN. 1711. § 1. After a petition, whether written or oral, has been admitted, there must be a summons to court, or citation, of the other party.

[*Latin ed. p. 330*]

330. Code of Canon Law, § 2. If the parties in dispute voluntarily appear before the judge to conduct the case, a citation is not necessary; however, it must be recorded in the proceedings that the parties voluntarily appeared before the judge.

CAN. 1712, § 1. The citation is issued by the judge and is inscribed in or attached to the introductory document of the lawsuit.

§ 2. It is notified to the defendant, and if there are several, to each of them.

§ 3. Furthermore, the plaintiff must be notified so that he too may appear before the judge on the appointed day and hour.

CAN. 1713. If the lawsuit is brought against one who does not have free administration of the matters in dispute, the citation must be notified to the one who is obligated to conduct the lawsuit in his name, according to canons 1648-1654.

CAN. 1714. Every citation is peremptory; it is not necessary to repeat it, except in the case mentioned in canon 1845, § 2.

CAN. 1715, § 1. The citation is made by a written order, which expresses the judge's command to the summoned party to appear, indicating from which judge, for what reason (at least in general terms), by whom (the plaintiff), and the defendant, properly designated by name and surname; it must also clearly indicate the place and time, that is, the year, month, day, and hour for the appearance.

§ 2. The citation, bearing the seal of the court, must be signed by the judge or his assessor and by the notary.

CAN. 1716. The citation must be made in duplicate, one copy being sent to the summoned defendant, and the other being retained in the records.

CAN. 1717, § 1. The citation should, if possible, be delivered to the summoned party by a messenger of the court, wherever he may be found.

§ 2. For this purpose, the messenger may also enter the territory of another diocese, if the judge deems it expedient and orders it, and instructs the messenger accordingly.

§ 3. If the messenger does not find the summoned person at his residence, he may leave the citation with a member of his family or household, if that person is willing to receive it and promises to deliver it to the summoned defendant as soon as possible; otherwise, he must return the citation to the judge, so that it may be sent according to canons 1719 and 1720.

CAN. 1718. The defendant who refuses to receive the citation is consid-

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ered legally cited.

[*Latin ed. p. 331*]

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CAN. 331 1719. If, because of distance or another reason, it cannot be easily delivered to the defendant by a messenger, the summons may, at the order of the judge, be transmitted by public notaries, provided that it is accompanied by a receipt or other means that is considered safest according to the laws and customs of the place.

CAN. 1720. § 1. Whenever, after diligent inquiry, the whereabouts of the defendant are still unknown, the summons must be made by public notice.

§ 2. This is done by affixing, by the messenger, a copy of the summons to the doors of the court, in the manner of a public notice, for a period determined by the prudent judgment of the judge, and by inserting it in some public gazette; if neither of these can be done, either one will suffice.

CAN. 1721. § 1. The messenger, when leaving the summons with the defendant, must sign it, noting the day and hour at which it was delivered to the defendant.

§ 2. He shall do the same if he leaves it with someone of the defendant's family or household, adding the name of the person to whom he delivered the summons.

§ 3. If the summons is made by public notice, the messenger shall sign at the bottom of the notice the day and hour on which the notice was affixed to the doors of the court, and for how long it remained affixed.

§ 4. If the defendant refuses to accept the summons, the messenger shall return the signed summons to the judge, with the date and hour of the refusal added.

CAN. 1722. § 1. The messenger shall report in writing to the judge, in his own hand and signed, all that he has done, and these writings shall be kept in the records.

§ 2. If the summons is transmitted through the office of notaries, a record shall be kept in the records of the fidelity of that office.

CAN. 1723. If the summons does not contain what is prescribed in canon 1715, or if it has not been duly served, then the summons and the proceedings are of no effect.

CAN. 1724. The rules stated above for the summoning of a party shall also be adapted and applied to other acts of the trial, according to their different nature, such as the notification of decrees or judgments, and other similar matters.

CAN. 1725. When the summons has been duly served, or when the parties voluntarily appear in court:

1.° The matter ceases to be in suspense;

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2.° The cause becomes the property of that judge or tribunal before which the action has been instituted.

[*Latin ed. p. 332*]

Codex Iuris Canonici, Book 3: In the delegated judge, jurisdiction is conferred so that it does not expire with the resolution of the delegating authority; 4. The prescription is interrupted, unless otherwise stipulated, according to canon 1508; 5. The dispute begins; and therefore, immediately, the principle takes effect: "While the dispute is pending, nothing shall be innovated."

TITLE VII. Concerning the Contest of the Dispute.

CAN. 1726. The object or matter of the judgment is constituted by the very contest of the dispute, or by the formal contradiction to the petition of the plaintiff, made with the intention of litigating before the judge.

CAN. 1727. No solemnity is required for the contest of the dispute, but it suffices that, with the parties appearing before the judge or his delegate, the petition of the plaintiff and the contradiction of the defendant are entered in the records, from which it is clear what the matter is about or what the terms of the controversy are.

CAN. 1728. However, in more complex cases, in which the petition of the plaintiff is neither clear nor simple, or the contradiction of the defendant is lacking in clarity, the judge, ex officio or at the request of the plaintiff or the defendant, shall summon the parties to properly define the articles of the controversy, that is, to agree on the doubtful points of the cause, as it is said.

CAN. 1729. § 1. If, on the day appointed for agreeing on the doubtful points, the party summoned does not appear or does not allege a just excuse for his absence, he shall be declared contumacious, and the formula of the doubtful points shall be established ex officio, at the request of the party present. However, the contumacious party shall be immediately notified thereof ex officio, so that he may propose any exceptions he wishes against the formula of the doubtful points or articles, and clear himself of the contumacy, within the time that seems appropriate to the judge.

§ 2. If the parties are present and agree on the formula of the doubtful points or articles, and if the judge, as far as he is concerned, sees nothing to object to, mention of this shall be made in the decree by which the formula is confirmed.

§ 3. If, however, the parties disagree or their conclusions are not approved by the judge, the judge himself shall resolve the controversy by decree.

§ 4. The formula of the doubtful points or articles, once established, cannot be changed, except by a new decree, for a serious reason, at the request of a party, or of the promoter of justice, or of the defender of the bond, after

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hearing both or either party and considering their reasons.

CAN. 1730. Before the contest of the dispute has taken place, the judge shall not proceed to the reception of testimonies or other evidence, except in the case of contumacy.

[*Latin ed. p. 333*]

Book Four - Concerning Procedures 333, or unless the testimony of witnesses must be received, so that it may not afterwards be received, or may scarcely be received, because of the probable death of the witness, or because of his departure, or for some other just cause.

CAN. 1731. In a contested case: 1.° It is not permitted for the plaintiff to change the complaint, unless, with the consent of the defendant, the judge, for just reasons, deems the change to be admissible, always with compensation to the defendant for damages and expenses, if any are due. The complaint is not considered changed if the method of proof is restricted or altered; if the petition or its accessories are reduced; if facts previously stated in the complaint are clarified, completed, or amended, so that the object of the controversy remains the same; if, in place of the thing requested, the price, loan, or something equivalent is requested. 2.° The judge grants a suitable time to the parties for presenting and explaining the evidence; which, at the request of the parties, he can postpone at his discretion, provided that the dispute is not prolonged beyond what is reasonable. 3.° The possessor of another's property ceases to be in good faith; therefore, he who is condemned to restore the property is bound not only to restore the property itself, but also the fruits of the property from the time the dispute began, and to compensate for any further damages that may have resulted.

TITLE VIII. Concerning the Instantiation of a Lawsuit.

CAN. 1732. The beginning of the instantiation of a lawsuit is the contestation of the case; the end is by all means by which the judgment is terminated, but it can also be interrupted, or even ended, before that, either by prescription or by renunciation.

CAN. 1733. If one of the parties litigant dies, or changes his status, or ceases from the office for which reason he is acting: 1.° If the case is not yet concluded, the instantiation is interrupted, until the heir of the deceased, or the successor, prosecutes the case; 2.° If the case is concluded, the instantiation is not interrupted, but the judge must proceed to the next steps, citing the procurator, if he is present, otherwise the heir or successor of the deceased.

CAN. 1734. If it is disputed to which of the litigating clerics the right to a benefice belongs, and one of them dies, or renounces the benefice, while the lawsuit is pending, the instantiation is not interrupted, but the promoter of justice prosecutes it against the surviving party, unless the benefice is of free collation, and in this case the Ordinary prefers to have the case decided

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in favor of the surviving party, so that he may be declared the victor.

[*Latin ed. p. 334*]

334 Codex Iuris CAN. Canonici 1735. If the procurator or curator ceases to perform his duties, the legal action remains suspended as long as the party or those to whom it pertains have not appointed a new procurator or curator, or have not declared that they intend to proceed with the action themselves. CAN. 1736. If no procedural act, which does not present any impediment, is filed in the court of first instance for two years, or in the appellate court for one year, the legal action is extinguished, and in the latter case, the judgment appealed is considered final. CAN. 1737. Extinction is valid by law and against all, including minors or those equated to minors, and must be raised ex officio, saving the right of recourse for compensation against guardians, administrators, or procurators who have not proven that they were not at fault. CAN. 1738. Extinction extinguishes the procedural acts, but not the acts of the case; indeed, these may have force even in another legal action, provided that it occurs between the same parties and concerning the same matter; but with respect to outsiders, they have no effect other than as documents. CAN. 1739. In the case of extinction, the costs of the extinguished legal action are borne by each of the parties who caused the extinction. CAN. 1740. § 1. In any stage and degree of judgment, the plaintiff in the legal action may renounce the action; likewise, both the plaintiff and the defendant may renounce the legal action, either in its entirety or only in part. § 2. For the renunciation to be valid, it must be made in writing, and it must be signed by the party or by his procurator, provided he has a special mandate, and it must be communicated to the other party, accepted by it, or at least not impugned, and admitted by the judge. CAN. 1741. Once admitted, the acts for which renunciation has been made have the same effect as the extinction of the legal action: and it obligates the party who renounced to pay the costs of the acts for which renunciation was made. TITLE IX. Concerning the Interrogatories to be Taken from the Parties in Judgment. CAN. 1742. § 1. The judge must interrogate the parties in order to ascertain the truth of the matter which it is of public interest to establish beyond doubt. § 2. In other cases, he may interrogate only one of the parties.

[*Latin ed. p. 335*]

Book Four - Concerning Procedures 335, it is done either at the request of one party, but also ex officio, whenever it is a matter of clarifying a presented proof. § 3. The questioning of the parties can be done by the judge at any stage of the trial, before the conclusion of the case; after the conclusion of the case, the prescription of canon 1861 must be observed. C A N. 1743. § 1. Parties legitimately questioned by the judge are obliged to answer and to confess the truth, unless it concerns a crime committed

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by themselves. § 2. If a party legitimately questioned refuses to answer, it is for the judge to determine the extent of this refusal, whether it is just, whether it is equivalent to a confession, or not. § 3. The party who is obliged to answer, if he refuses to answer legitimately, or if, after answering, he is found to have lied, shall be punished, for a time to be determined by the judge according to the circumstances, by removal from legitimate ecclesiastical acts; and if, before answering, he has taken an oath to speak the truth, the layman shall be subject to a personal interdict, the cleric to suspension. C A N. 1744. In criminal cases, the judge cannot demand that the accused take an oath to speak the truth; in contentious cases, whenever the public good is involved in the case, he must demand it from the parties; in other cases, he may, according to his prudence. C A N. 1745. § 1. Both the plaintiff and the defendant, as well as the promoter of justice and the defensor vinculi, may present to the judge articles, or questions, concerning which the party is questioned, which are commonly called positions. § 2. In drafting, admitting, and presenting positions to the party, the rules established in canons 1773-1781 must be observed. C A N. 1746. In order to take an oath or to answer questions, the parties must personally appear before the judge, except for those concerning whom the provisions in canon 1770, § 2, nos. 3, 2, apply. TITLE X. Concerning Proofs. C A N. 1747. The following do not require proof: 1.° Facts that are notorious, according to canon 2197; 2.° Those which are presumed by law itself; 3.° Facts asserted by one of the parties and admitted by the other, unless the law or the judge nevertheless requires proof. C A N. 1748. § 1. The burden of proof lies with him who asserts. § 2. If the plaintiff does not prove, the defendant is acquitted.

[*Latin ed. p. 336*]

536. Codex Iuris Canonici, Canon 1749. Quae probationes apparentur necessariae ad prolongandam moram iudicii, sicut examen testium longe distantium, aut quorum domicilium ignoratur, vel obtinens "documentum quod cito haberi non potest," iudex non admittat, nisi hae probationes necessariae videntur, quia ceterae deficiant aut satis non sint.

CAPUT I. De confessione partium.

CAN. 1750. Assertio de aliquo facto, in scriptis aut oretenus ab una parte contra alteram et pro adversario coram iudice, sive sponte, sive iudice interrogante peracta, dicitur confessio iudicialis.

CAN. 1751. Si agatur de negotio aliquo privato et in causa non sit bonum publicum, confessio iudicialis unius partis, dummodo libere et considerate facta, relevat alteram ab onere probandi.

CAN. 1752. Pars, aliquid confessa in iudicio, non potest contra confessionem suam venire, nisi aut in continenti hoc faciat, aut probet confessionem ipsam vel carere conditionibus in can. 1750 expressis vel errori facti esse adscribendam.

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CAN. 1753. Confessio sive scriptis, sive oretenus, ipsimet adversario aut aliis extra iudicium facta, dicitur extraiudicialis: eaque in iudicium deducta, iudicis est, perpensis omnibus rerum adiunctis, aestimare quanti facienda sit.

CAPUT II. De testibus et attestationibus.

CAN. 1754. Probatio per testes in quibuslibet causis admittitur, sub iudicis tamen moderatione, secundum modum praefinitum in canonibus qui sequuntur.

CAN. 1755. § 1. Testes iudici legitime interroganti respondere et veritatem fateri debent.

§ 2. Salvo praescripto can. 1757, § 3, n. 2, ab hac obligatione eximuntur: 1.° Parochi aliique sacerdotes quod attinet ad ea quae ipsis manifestata sunt ratione sacri ministerii extra sacramentalem confessionem; - civitatum magistratus, medici, obstetrices, advocati, notarii aliique qui...

[*Latin ed. p. 337*]

Book Four - On Procedures 337. Those who, for the sake of the secret of the office, have rendered counsel pertaining to matters subject to this secret, are also bound by it; 2°. Those who, from their testimony, fear incurring infamy, dangerous vexations, or other very grave evils, for themselves or for their relatives in any degree of the direct line, and in the first degree of the collateral line.

§ 3. Witnesses who, when legitimately questioned by the judge, knowingly affirm falsehood or conceal the truth, are to be punished according to canon 1743, § 3; and the same penalty shall be imposed on all those who presume to induce a witness or expert to give false testimony or to conceal the truth, by gifts, promises, or any other means.

ART. — Who may be witnesses.

CAN. 1756. All may be witnesses, unless expressly excluded by law, either in whole or in part.

CAN. 1757. § 1. The following are excluded from giving testimony: the immature and those of unsound mind.

§ 2. The following are considered suspect: 1°. Excommunicated persons, perjurers, and infamous persons, after a declaratory or condemnatory sentence; 2°. Those whose morals are so depraved that they are not considered worthy of belief; 3°. Public and grave enemies of the Church.

§ 3. The following are incapable of being witnesses: 1°. Those who are parties in the case, or who act in place of the parties, such as a guardian in the case of a minor, a superior or administrator in the case of their community or pious foundation, the judge and his assistants, advocates, and others who assist or have assisted the parties in the same case; 2°. Priests, with regard to all those things which have become known to them through the sacrament of confession, even if they have been released from the seal;

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indeed, anything heard by anyone, and in any way, on the occasion of confession, cannot be received even as an indication of truth; 3°. A spouse in the case of his or her spouse, a relative by blood or affinity in the case of a relative by blood or affinity, in any degree of the direct line, and in the first degree of the collateral line, unless the case concerns matters relating to the civil or religious status of a person, of which knowledge cannot be obtained from elsewhere, and the common good requires that it be obtained.

CAN. 1758. Those who are not suitable and those who are suspect may be heard by order of the judge, who shall declare that this is expedient; but their testimony shall only be valid as an indication and as an aid to proof, and generally, those who have been wronged shall be heard.

ACTA, vol. IX, Part II.

[*Latin ed. p. 338*]

338 Code of Canon Law, PART II. – Concerning from whom, in what manner, and how many witnesses may be summoned, and who may be excluded.

CAN. 1759. § 1. Witnesses are summoned by the parties.

§ 2. They may also be summoned by the promoter of justice and the defender of the bond, if it is pertinent to the cause.

§ 3. But the judge himself, whenever the matter concerns minors or those equal to minors in age, and generally whenever the public good requires it, can summon witnesses ex officio.

§ 4. The party who summoned a witness may renounce his examination; but the opposing party may request that, notwithstanding this renunciation, the witness be examined.

CAN. 1760. § 1. If someone spontaneously appears to give testimony, the judge may admit or reject his testimony as he deems fitting.

§ 2. However, the judge must reject a witness who has appeared spontaneously if it appears to him that his appearance is intended to delay the judgment or to obstruct justice or the truth in any way.

CAN. 1761. § 1. When proof is requested through witnesses, their names and addresses must be indicated to the tribunal; furthermore, the statements or articles of argument upon which the witnesses are to be questioned must be presented.

§ 2. If, even within the peremptory deadline established by the judge, this is not done, the request is considered abandoned.

CAN. 1762. It is the right and obligation of the judge to restrain an excessive number of witnesses.

CAN. 1763. The parties must inform each other of the names of the witnesses before the examination of the witnesses begins, or, if, in the judgment of the prudent judge, this cannot be done without serious difficulty,

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at least before the publication of the testimonies.

CAN. 1764. § 1. Witnesses must be excluded ex officio if it is clearly known to the judge that they are prohibited from giving testimony, except as prescribed in can. 1758.

§ 2. Also, witnesses must be excluded if requested by the opposing party, if a just cause for exclusion is demonstrated, which exclusion is called the reprobation of the person of the witness.

§ 3. A party may not reprobate the person of a witness whom he himself summoned, unless a new cause for reprobation arises, although he may reprobate his statements.

§ 4. The reprobation of a witness must be made within three days after the names of the witnesses have been communicated to the party, and it will not be admitted afterwards.

[*Latin ed. p. 339*]

Book Fourth - Concerning Proceedings 339, unless it is demonstrated, or at least affirmed by oath, that the witness was not previously aware of the defect. § 5. However, the judge shall reserve the discussion of the reprobation for the end of the trial, unless there is a presumption of law against the witness, or the defect is notorious, or can be immediately and easily proven, or cannot be proven later. CAN. 1765. The citation of witnesses is done by the ministry of the judge, with a decree intervening, and the witnesses must be notified according to canons 1715-1723. CAN. 1766. § 1. A witness duly cited must appear, or notify the judge of the cause of his absence. § 2. A disobedient witness, that is, one who does not appear without a legitimate reason, or, even if he appears, refuses to answer, or to take the oath, or to sign the testimony, may be compelled by the judge with appropriate penalties, and may also be fined in proportion to the damage that results to the parties from his disobedience. ARTICLE III. — Concerning the Oath of Witnesses. CAN. 1767. § 1. Before giving testimony, a witness must take an oath to speak the whole and only truth, with the exception of the prescription of canon 1758. § 2. The parties, or their advocates, may assist in the administration of the oath to the witnesses, with the exception of the prescription of canon 1763. § 3. To witnesses, if the matter is merely a private affair between the parties, the oath may be waived, with the consent of both parties. § 4. But even when the oath is not required of the witness, the judge shall remind the witness of the grave obligation by which he is always bound, to speak the truth. CAN. 1768. Witnesses, even though they have taken an oath to speak the truth, may nevertheless, at the discretion of the prudent judge, be required, after examination, to take an oath concerning the truth of what they have said, either concerning all the points in question, or concerning some of them only, whenever the gravity of the matter and the testimony given seem to require it. CAN. 1769. Witnesses may also be required by oath to keep secret

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the questions proposed and the answers given, until the proceedings and allegations become public, indeed, even perpetually, according to canon 1623, § 3. ARTICLE IV. — Concerning the Examination of Witnesses. CAN. 1770. § 1. Witnesses must be examined in the very seat of the tribunal. § 2. The following are excepted from this general rule: 1.° Cardinals of the Holy Roman Church, Bishops, and illustrious persons who, by the law of their own state, are exempt from the obligation to appear before the judge to testify.

[*Latin ed. p. 340*]

340. *Codex Iuris Canonici* concerning witnesses: 1.° All witnesses may choose the place where they will testify, of which they must inform the judge; 2.° Those who, due to illness or other impediment of body or mind, or by their state of life, such as monks, are unable to attend the tribunal, must be heard at home; 3.° Those residing outside the diocese, who cannot return to the diocese and attend the tribunal without serious inconvenience, must be heard by the tribunal of the place where they reside, according to canon 1570, § 2, according to the questions and instructions transmitted by the judge of the cause; 4.° Those who reside within the diocese, but in places so distant from the tribunal that they cannot, without serious expense, either go to the judge, or be visited by the judge. In this case, the judge must appoint a priest who is suitable and worthy, to examine these witnesses, with the assistance of someone who will perform the duties of a notary, and to whom the same questions must be transmitted, and who must be given appropriate instructions.

CAN. 1771. No one may assist in the examination of witnesses, unless the judge has admitted them.

CAN. 1772. § 1. Witnesses must be examined separately, one at a time. § 2. However, it is left to the prudent judgment of the judge, after the testimonies have been given, to allow the witnesses to confer with each other or with the parties, or, commonly, to confront each other. § 3. This may be done if all of the following conditions are met: 1.° If the witnesses disagree with each other or with a party on a matter of great importance and substance to the case; 2.° If there is no other easier way to discover the truth; 3.° If there is no danger to be feared from scandal or dissension resulting from such a conference.

CAN. 1773. § 1. The examination is conducted by the judge, or by his delegate or auditor, to whom a notary must be assigned. § 2. In the examination, questions must be put to the witnesses only by the judge, or by one who holds the judge's place. Therefore, if the parties, or the promoter of justice, or the defender of the bond, are present at the examination and wish to ask the witness new questions, they must present these questions to the judge, or to one who holds the judge's place, so that he may put them to the witness.

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CAN. 1774. The witness must first be asked not only about the general particulars of the person, that is, the name, surname, origin, age, religion, condition, domicile, but also about any relationship that exists between the witness and the parties in the case; then the questions must be put to the witness that relate to the case itself, and to elicit from him how and from what source he has obtained the knowledge of the facts he asserts.

[*Latin ed. p. 341*]

Book Fourth - Concerning Proceedings. Canon 341, 1775. Interrogations should be brief, not encompassing many things at once, not ensnaring, not deceitful, not suggesting an answer, far removed from any offense, and pertaining to the matter at hand. Canon 1776. § 1. Interrogations are not to be communicated to witnesses beforehand. § 2. However, if the things to be testified about are so far removed from memory, that unless they are first recalled, they cannot certainly be affirmed, the judge may warn the witness of certain things, if he deems it possible to do so without danger. Canon 1777. Witnesses should give their testimony orally, and should not read from a written document, unless the matter concerns calculations and accounts; in that case, they may consult the notes they have brought with them. Canon 1778. The answer must be written down by the clerk, not only concerning the substance, but also the very words of the testimony given, unless the judge, considering the urgency of the case, deems sufficient that only the substance of the testimony be recorded. Canon 1779. The clerk shall make a note in the records of whether the oath was administered, refused, or waived, of the presence of the parties and others, of any interrogations added by the judge, and generally of all things worthy of remembrance that may happen while the witnesses are being examined. Canon 1780. § 1. Before the witnesses depart, they must read what the clerk has written down of the things they have testified to orally, being given the opportunity to add, suppress, correct, or modify. § 2. Finally, the witnesses, the judge, and the notary must subscribe to the record. Canon 1781. Witnesses, even though already examined, may, at the request of a party or ex officio, be called for further examination before the records or testimonies become public, if the judge deems it necessary or useful, provided, however, that there is no danger of collusion or corruption. ARTICLE V. - Concerning the publication of testimonies and their rejection. Canon 1782. § 1. If the parties or their representatives were not present at the examination, the testimonies may, immediately after the examination of all witnesses, be published, by order of the judge. § 2. But the judge may postpone the publication of the testimonies until the other chapters of evidence have been completed, if he deems it necessary.

[*Latin ed. p. 342*]

342. *Codex Iuris Canonici*, CAN. 1783. After the publication of the tes-

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timonies: 1°. The power to condemn the person of a witness ceases, except in the case mentioned in canon 1764, § 4; 2°. However, there is the right to condemn the testimonies, either with regard to the manner of the examination, when, for example, the rules of law neglected in carrying out the examination are objected to, or with regard to the testimonies themselves, when, for example, the testimonies are impugned as false or as containing variation, contradiction, obscurity, lack of knowledge, and the like.

CAN. 1784. The judge rejects the condemnation by his decree, if he observes that it is based on a futile foundation or was made in order to delay the judgment.

CAN. 1785. If the condemnation is admitted, the judge grants a brief term to the party requesting it to prove the condemnation, and then proceeds as in other pending cases.

CAN. 1786. After the testimonies have been published, the witnesses who have already been heard should not be questioned again on the same points, nor should new witnesses be admitted, except with caution and for a serious reason in cases that never proceed to a final judgment; for a very serious reason in others; and in any case, after removing all danger of fraud and subornation, after hearing the other party, and after obtaining the vote of the promoter of justice or the defender of the bond, if these are present in the judgment; all of which the judge defines by his decree.

ARTICLE VI. – Concerning the compensation of witnesses.

CAN. 1787. § 1. A witness has the right to request compensation for the expenses incurred due to travel and lodging in the place of the trial, and for a reasonable indemnity for the interruption of his business or work.

§ 2. It is up to the judge, after hearing the parties and the witness, and, if necessary, also experts, to determine the indemnity and the expenses to be paid to the witness.

CAN. 1788. If, within the peremptory term established by the judge, a suitable sum of money, as mentioned in canon 1909, § 2, is not deposited by the person who wishes to examine the witnesses, he is considered to have renounced the examination of the witnesses.

ARTICLE VII. – Concerning the credibility of testimonies.

CAN. 1789. In evaluating the testimonies, the judge must keep in mind: 1°. What is the condition of the person, and whether the witness possesses honesty and whether he is distinguished by any dignity;

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2. Whether testimony is given based on personal knowledge, especially concerning sight and hearing, or based on credulity, hearsay, or reports from others;

3. Whether the witness is consistent and firmly adheres to their state-

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ments, or whether they are varied, uncertain, or wavering;

4. Finally, whether the testimony is contradicted, or whether it is singular.

CAN. 1790. If witnesses disagree among themselves, the judge must determine whether the testimonies given by them are contrary to each other, or whether they are merely different or supplementary.

CAN. 1791. § 1. The deposition of a single witness does not constitute full proof, unless it is a qualified witness who testifies about matters performed in their official capacity.

§ 2. If two or three persons, all of whom are of legal age and firmly adhere to each other, testify under oath about a fact or event in a legal proceeding, based on their own knowledge, sufficient proof is obtained; unless, in some case, the judge deems a more complete proof necessary due to the extreme importance of the matter, or due to indications that raise some doubt about the truth of the asserted fact.

CHAPTER III. Concerning Experts.

CAN. 1792. The services of experts must be used whenever, by law or by the judge's order, their examination and opinion are required to establish a fact or to determine the true nature of a matter.

CAN. 1793. § 1. It is the duty of the judge to select or designate experts.

§ 2. In purely private cases, the judge may make this designation at the request of either party, or even of only one party, provided the other party consents; in cases concerning the public good, after hearing the promoter of justice or the defender of the bond.

§ 3. It is left to the prudent judgment of the judge to choose one or more experts, according to the nature of the case and the difficulty of the matter, unless the law itself specifies the number of experts.

CAN. 1794. Experts are required to exercise their expertise according to the laws of truth and justice, neither affirming what is false nor concealing what is true; and if they fail in this, they shall be punished according to canon 1743, § 3.

CAN. 1795. § 1. For the office of expert, those who have been duly recognized by competent authority as being suitable for this purpose are chosen, all other things being equal.

[*Latin ed. p. 344*]

344. Code of Canon Law: Canon 2. Those who are excluded from giving testimony, according to canon 1757, cannot even be admitted to the office of expert.

Canon 1796. § 1. For the same reasons for which witnesses may be excused, experts also may be excused.

§ 2. The judge, by his decree, shall decide whether the excuse is to be

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admitted or not, and, if the excuse is admitted, another expert shall be appointed in place of the excused expert.

Canon 1797. § 1. Experts are considered to have accepted the assigned task by taking an oath to faithfully fulfill it.

§ 2. The parties may not only be present at the taking of the oath, but also at the execution of the task assigned to the expert, unless the nature of the matter or propriety requires otherwise, or unless the law or the judge determines otherwise.

Canon 1798. After the oath has been taken, if the experts do not comply with the mandate within the prescribed time, or if they avoid the execution of the task without just cause, they are liable for damages.

Canon 1799. § 1. The judge, considering those things which may be brought forward by the litigants, shall define in his decree all and each of the points concerning which the experts must exert their efforts.

§ 2. The time within which the examination must be completed and the opinion given, if it seems necessary or opportune to the judge, may be determined by the judge himself, and also, after hearing the parties, may be extended.

Canon 1800. § 1. If anyone doubts the authenticity of a certain writing, the judge shall assign the writing in question to experts, proposed by the parties, to compare it with writings with which it must be compared and verified.

§ 2. If the parties disagree about the writings which are to be compared, the judge shall select, for the purpose of comparison, those which the party itself has recognized, or those which the author of the disputed writing wrote as a public official and which are kept in the archives or another public repository; or his signatures, of which it is known from the faith of a notary or public official that they were written in his presence.

§ 3. If the writings designated by the parties and by the judge for comparison are, in the opinion of the experts, not sufficient for the investigation, and if the person to whom the disputed writing is attributed is still alive, the judge, at the request of a party or even ex officio, shall summon him to write, with his own hand, before the judge or his delegate, whatever the experts, the judge himself, or his delegate may dictate.

§ 4. A refusal to write, which is not proven to be a legitimate reason for refusal, is considered as a confession of the genuineness of the disputed writing, to the detriment of the one refusing.

[*Latin ed. p. 345*]

Book Fourth - Concerning Processes.

CAN. 345 1801. § 1. Experts may present their opinion either in writing, or orally before the judge; but if it is presented orally, it must immediately be written down by the notary and signed by the experts.

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§ 2. The expert, especially if he has presented his opinion in writing, may be requested by the judge to provide explanations that appear further necessary.

§ 3. The experts must clearly indicate the method and reasoning by which they have proceeded in fulfilling the task assigned to them, and by which arguments the opinion presented by them is supported.

CAN. 1802. Each expert shall prepare his own report separately, unless, provided it does not contradict the law, the judge orders that one be subscribed to by all; in which case, any differences in opinions shall be carefully noted.

CAN. 1803. § 1. If the experts disagree among themselves, it is permissible for the judge to either seek the opinion of a more knowledgeable expert regarding the opinions presented by the first experts, or to appoint new experts to examine the matter anew.

§ 2. The same power is granted to the judge whenever the experts, after their selection, are found to be suspect, or are deemed to be unsuitable for the task.

CAN. 1804. § 1. The judge must carefully consider not only the conclusions of the experts, even if they are in agreement, but also all other matters pertaining to the case.

§ 2. When giving his reasons for the decision, he must state by which arguments the conclusions of the experts were accepted or rejected.

CAN. 1805. The judge, taking into account the customs of the place, must fairly and equitably assess the expenses and fees of the experts, subject to the right of appeal according to canon 1913, § 1.

CHAPTER IV. Concerning judicial access and inspection.

CAN. 1806. If the judge deems it necessary to access the location of the dispute and to inspect the matter in dispute itself, he shall do so by decree, in which he shall briefly describe what must be done during the access, after hearing the parties.

CAN. 1807. The judge may carry out the inspection either personally or through an auditor or delegated judge.

[*Latin ed. p. 346*]

346 Codex Iuris Canonici C A N. 1808. § 1. Iudex, locum vel rem inspectans, peritos adhibere potest, si opera eorum necessaria vel utilia videntur. § 2. Si periti adhibeantur, observantur, quantum fieri potest, quae praescripta sunt in can. 1793-1805. C A N. 1809. Si periculum litis vel perturbationis timendum iudici videtur, poterit ipse prohibere ne partes vel earum advocati inspectioni judiciali intersint. C A N. 1810. Iudex testes, vel ex officio citatos vel a partibus ante inspectionem rite productos, potest in ipso inspectione judiciali examini subjicere, si id expedire videtur ad pleniorem probationem aut ad removenda dubia ob quae inspectio decreta

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est. C A N. 1811. § 1. Notarius diligenter curet ut constet ex actis qua die et hora inspectio facta sit, quae personae interfuerint, quae, inspectione durante, aut dicta aut peracta aut a iudice decreta sint. § 2. Peracta inspectionis instrumenta tum iudex tum notarius subscribant. CAPUT V. De probatione per instrumenta. A R T. I. — De natura et fide instrumentorum. C A N. 1812. In quolibet genere iudicii admittitur probatio per documenta, tum publica tum privata. C A N. 1813. § 1. Praecipua documenta publica ecclesiastica haec sunt: 1.° Acta Summi Pontificis et Curiae Romanae et Ordinariorum in exercitio suorum munerum authentica forma exarata, itemque attestationes authenticae de iisdem actibus datae ab illis vel eorum notariis; 2.° Instrumenta a notariis ecclesiasticis confecta; 3.° Acta iudicialia ecclesiastica; 4.° Inscriptiones baptismi, confirmationis, ordinationis, professionis religiosae, matrimonii, mortis, quae habentur in regestis Curiae vel paroeciae, vel religionis, et attestationes scriptae ex iisdem desumptae et a parochis, vel Ordinariis, vel notariis ecclesiasticis confectae aut earum exemplaria authentica. § 2. Documenta publica civilia ea sunt quae secundum leges loci cuiusque iure censentur.

[*Latin ed. p. 347*]

Book Fourth - Concerning Procedures 347 § 3. Letters, contracts, testaments, and any writings whatsoever made by private individuals are considered as a number of private documents. C A N. 1814. Public documents, whether ecclesiastical or civil, are presumed to be genuine, unless the contrary is proven by evident arguments. C A N. 1815. The recognition or impugning of a writing can be proposed in judgment, either incidentally or as the main cause of the action. C A N. 1816. Public documents give proof of those things which are directly and principally affirmed in them. C A N. 1817. A private document, whether acknowledged by the party or recognized by the judge, proves against the author or subscriber, and those who have received it from them, just as a confession made outside of court; but it does not, by itself, have the force of proving against outsiders. C A N. 1818. If documents are shown to be damaged, altered, interpolated, or otherwise flawed, it is for the judge to determine whether and to what extent such documents are to be admitted. ARTICLE II - Concerning the production of documents and the action to compel their production. C A N. 1819. Documents do not have the force of proof in judgment, unless they are the originals or are presented in an authentic copy and deposited with the registry of the tribunal, except for documents which are of public law, such as laws duly promulgated. C A N. 1820. Documents must be presented in their authentic form and deposited in judgment, so that they may be examined by the judge and by the opposing party. C A N. 1821. § 1. If doubt arises as to whether a copy is faithfully transcribed or not, the judge, at the request of a party or even of his own accord, can order that the original document be produced, from which the copy was taken. § 2. If this is either

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impossible or very difficult to do, the judge can delegate an auditor or request the local Ordinary to examine and compare the document, prescribing the articles to be examined and how the comparison should be made; and both parties may assist in the comparison. C A N. 1822. Common documents, or those relating to a common matter, such as testaments and instruments concerning inheritances, the division of property,

[*Latin ed. p. 348*]

348. The Code of Canon Law states that in cases involving a contract or other similar matters in which there is a dispute between the parties, either party may request that the document be produced in court by the party who claims to possess it. CAN. 1823. § 1. However, no one is obliged to produce documents, even if they are common, which cannot be communicated without risk of damage, according to canon 1755, § 2, n. 2, or without risk of violating the obligation of confidentiality. § 2. Nevertheless, if at least a portion of the document that is relevant to the case can be described and presented in a copy without the aforementioned inconveniences, the judge may order that it be presented. CAN. 1824. § 1. If a party refuses to produce a document that is legally required to be produced, and which that party claims to possess, the judge, upon request by the other party and after hearing the arguments, and if necessary, the promoter of justice or the defender of the bond, may issue an interlocutory judgment determining whether and how the presentation of the document must be carried out. § 2. If a party refuses to comply with the judge's order, it is up to the judge to assess the significance of this refusal. § 3. If a party denies that the document is in their possession, the judge may order that party to be subjected to an examination and compelled to swear an oath regarding the matter.

CHAPTER VI. Concerning Presumptions. CAN. 1825. § 1. A presumption is a probable conjecture regarding an uncertain matter; and there are two kinds: one established by law, which is determined by the law itself; the other is that of human reason, which is inferred by the judge. § 2. A presumption of law is either a simple presumption of law, or a presumption of law and of right. CAN. 1826. Evidence, whether direct or circumstantial, is admitted against a simple presumption of law; but against a presumption of law and of right, only circumstantial evidence is admitted, that is, evidence against the fact which is the basis of the presumption. CAN. 1827. He who has a legal presumption in his favor is relieved of the burden of proof, which falls upon the opposing party; and if that party fails to disprove it, judgment must be rendered in favor of the party for whom the presumption holds. CAN. 1828. The judge should not make presumptions that are not established by law, unless from a certain and definite fact that

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is directly related to the matter in dispute.

[*Latin ed. p. 349*]

Book Fourth - Concerning Proceedings, CHAPTER 349, Section VII. Concerning the swearing of oaths regarding specific matters.

CANON 1829. If only partial proof is available, and no other means of proof remain, and the judge either orders or permits the taking of an oath to supplement the evidence, this oath is called a supplementary oath.

CANON 1830. § 1. This supplementary oath is most appropriately used when matters pertaining to a person's civil or religious status cannot otherwise be ascertained.

§ 2. However, the judge should abstain from using such an oath in criminal cases, or in contentious cases, if the matter at hand concerns a right or property of great value, or a fact of extreme importance, or if the right, property, or fact in question does not pertain to the person to whom the oath would be administered.

§ 3. This supplementary oath may be administered either ex officio, or at the request of one of the parties, whether the prosecutor of justice or the defender.

§ 4. It should regularly be administered to the party who possesses the more complete evidence.

§ 5. However, it is the judge's duty to decree whether and when such circumstances exist, and why a supplementary oath must be administered.

CANON 1831. § 1. The party to whom the supplementary oath is administered, in matters which do not pertain to their civil or religious status, may, for a just cause, refuse to take it, or may direct it to be administered to their adversary.

§ 2. It is for the judge to determine whether such a refusal is justified, or whether it should rather be considered equivalent to a confession.

§ 3. A supplementary oath, once given by one party, may be challenged by the other party.

CANON 1832. If a claim for compensation for damages is established, but the amount of the damages cannot be certainly determined, the judge may order the party who has suffered the damage to take a supplementary oath, which is called an estimatory oath.

CANON 1833. In administering an estimatory oath: 1°. The judge shall request the party who has suffered the damage to, under the sanctity of the oath, specify the items that were taken from them or lost through deceit, and to state the price and value of those items, according to their best estimation; 2°. If the valuation seems excessive to the judge, he shall reduce it to a just amount, taking into account all indications and arguments that have been proven, and, if necessary, employing experts, in order to better serve the truth and justice.

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CANON 1834. § 1. The parties may also agree to resolve a dispute by means of a supplementary oath administered by one of them, even before the commencement of a legal action.

[*Latin ed. p. 350*]

350. The Code of Canon Law provides that, even during a pending legal dispute and at any moment or stage thereof, either party may, with the approval of the judge, offer the other party to take an oath, on the condition that the question, whether principal or incidental, be considered decided according to the oath. § 2. An oath of this kind is called a decisory oath. CAN. 1835. A decisory oath may not be offered unless: 1.° It concerns a matter in which a waiver or settlement is permitted, and which is not of excessive importance or value for the parties involved; 2.° It is offered by one who is capable of waiving or settling the matter; 3.° It is offered to one who is capable of waiving or settling the matter, and who also does not have complete proof in his own favor; 4.° It concerns a mere fact or a fact that is proper to the person to whom the oath is offered. CAN. 1836. § 1. This oath may be revoked by the party who offered it, as long as it has not been performed, and it may be accepted and performed, or refused, or referred to the opposing party by the other party. § 2. Upon the performance of the oath, the question is considered settled according to the sworn formula, as if a judicial waiver or settlement had taken place. § 3. If the oath is refused and not referred to the opposing party, it is up to the judge to determine the significance of the refusal, whether it is based on just reasons or is to be considered equivalent to a confession. § 4. If the oath is referred to the opposing party, he must perform it, otherwise the case fails. § 5. In order for an oath to be referred to the opposing party, the same conditions that are required for offering it must be present, and the same judicial procedure must be followed. TITLE X I. Concerning Incidental Matters. CAN. 1837. An incidental matter is considered to be present whenever, at least upon being summoned to court, one of the parties, or the promoter of justice or the defender of the bond, if there is one in the case, raises a question that, although not expressly contained in the document by which the dispute is initiated, is nevertheless related to the case to such an extent that it must usually be resolved before the principal question. CAN. 1838. An incidental matter may be raised either orally or by document, indicating the connection that exists between it and the principal matter, and observing, as far as possible, the rules set forth in canons 1706-1725.

[*Latin ed. p. 351*]

Book Four - Concerning Procedures. CAN. 351 1839. The judge, having received the petition or verbal request, having heard the parties, and, if necessary, the promoter of justice, or the defender of the bond, deliberates with himself whether the question raised is frivolous and intended solely to

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delay the principal judgment; and also whether the matter in question is of such a nature and so closely connected with the principal cause that it must be resolved before it. If this is the case, he admits the petition or request; otherwise, he rejects it by his decree. CAN. 1840. § 1. The judge, considering the nature and importance of the matter, shall determine whether the incidental question raised shall be decided according to the proper form of judgment, or by a mere decree. § 2. If the incidental cause is to be judicially determined, the rules shall be observed, as far as possible, which apply to ordinary proceedings; but the judge shall take care that the terms for delays are as short as possible. § 3. In the decree by which the judge rejects or decides the incidental question, he shall briefly state the reasons on which he relies, both in law and in fact. CAN. 1841. Before the principal cause is concluded, the judge may, for a just cause, correct or revoke an interlocutory judgment, either on his own initiative, after hearing the parties, or at the request of one party, after the other party has been heard, and always requiring the opinion of the promoter of justice or the defender of the bond, if they are present. CHAPTER I. Concerning Contumacy. CAN. 1842. A defendant who is summoned and, without a just cause, neither appears in person nor by a proxy, may be declared contumacious. CAN. 1843. § 1. However, the judge cannot declare a defendant contumacious unless it has first been established that: 1.° The citation, duly made, has reached the defendant in time to allow him to be informed of the matter, or at least should have reached him; 2.° The defendant has neglected to present an excuse for his absence, or has presented an excuse that is not just. § 2. This may be verified either by a new citation made to the defendant, so that he may, if he can, excuse his contumacy, or in another way. CAN. 1844. § 1. At the request of a party, or of the promoter of justice, or of the defender of the bond, if they are present in the trial, the judge may declare the defendant contumacious.

[*Latin ed. p. 352*]

352 The Code of Canon Law, and that which is declared therein, shall proceed, with due observance, until the final judgment and its execution. § 2. If the proceedings proceed to a final judgment, in a case not contested, the judgment must only concern what is requested in the petition; if the case is contested, it must concern the object of the contestation itself. CAN. 1845. § 1. However, the judge may also threaten ecclesiastical penalties to compel the defendant to appear. § 2. If he wishes to do so, the defendant must be summoned again, with a warning of penalties; and it is not yet permissible to declare the defendant in contempt, nor, once declared in contempt, to impose penalties, unless it is proven that this second summons also has been ineffective. CAN. 1846. If the defendant, having receded from contempt and appearing in court before the definition of the case, submits conclusions and proofs, if any, they shall be admitted; but the judge must take

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care that the judgment is not prolonged for longer than necessary or for reasons of bad faith. CAN. 1847. After the judgment has been pronounced, the defendant may request the judge who pronounced it to restore the benefits of the process in full, in order to appeal, but not beyond three months from the notification of the judgment, unless the case involves matters that do not affect the res judicata. CAN. 1848. The rules stated above also apply when the defendant, although he has complied with the first summons, subsequently becomes contumacious as the proceedings advance. CAN. 1849. If, on the day and hour when the defendant, according to the summons, first appears before the judge, the plaintiff is not present, and has not offered a valid or sufficient excuse for his absence, the judge shall summon him again at the request of the defendant; and if the plaintiff does not comply with the second summons, or subsequently neglects to begin or continue the proceedings, at the request of the defendant, or the promoter of justice, or the defender of the bond, the judge shall declare him contumacious, with the same rules being observed as those stated above for the contumacy of the defendant. CAN. 1850. § 1. The declaration of the plaintiff's contumacy by the judge extinguishes the plaintiff's right to pursue his claim. § 2. However, it is permitted to the promoter of justice or the defender of the bond to pursue the claim, whenever it appears that the public good requires it. § 3. The defendant then has the right to request that he may either be freely dismissed from the judgment, or that nothing done in the case be considered, or that he be definitively absolved from the plaintiff's petition, or that the judgment, even in the absence of the plaintiff, be brought to an end.

[*Latin ed. p. 353*]

Book Fourth - Concerning Proceedings 353 C A N. 1851. § 1. He who has been declared contumacious, whether plaintiff or defendant, who has not purged his contumacy, shall be condemned to pay the costs of the litigation, which were incurred because of his contumacy, and also, if necessary, to provide compensation to the other party. § 2. If both the plaintiff and the defendant are contumacious, they are jointly liable for the costs of the litigation.

CHAPTER II. Concerning the intervention of a third party in a case. 1852. C A N. * § 1. Any person in whose interest it lies may be admitted to intervene in the case at any stage of the proceedings. § 2. But in order to be admitted, he must, before the conclusion of the case, present to the judge a petition in which he briefly demonstrates the right to intervene. § 3. He who intervenes in the case shall be admitted in the same state in which the case is found, and shall be given the same brief and peremptory term to present his evidence, if the case has reached the stage of evidence. C A N. 1853. If the intervention of a third party appears necessary, the judge, at the request of a party or even of his own accord, must order the intervention

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in the case.

CHAPTER III. Concerning acts committed during the pendency of a lawsuit. C A N. 1854. An act is considered a transgression if, during the pendency of a lawsuit, either one party acts against the other, or the judge acts against either party or both parties, without the consent of the party and to his prejudice; whether the act concerns the subject matter of the lawsuit, with the exception of the provisions of canons 1672 and 1673, or whether it concerns the terms assigned to the parties by law or by the judge for the performance of certain judicial acts. C A N. 1855. § 1. Transgressions are null and void by law. § 2. Therefore, the party injured by the transgression has the right to bring an action to obtain a declaration of nullity. § 3. This action must be brought before the same judge of the principal cause; if, however, the injured party has reason to suspect the judge, he may raise an exception of suspicion, and the proceedings shall be conducted according to canon 1615. C A N. 1856. § 1. While the question of a transgression is pending, the regular course of the principal cause is suspended; but if it seems more convenient to the judge, the question of the transgression may be considered and resolved together with the principal cause. ACTA, vol. IX, Part II. 23

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354. Codex Iuris Canonici § 2. Quaestiones de attentatis sunt ad expeditissimam considerationem pertinentes et per decretum iudicis definiebantur, post auditum partium et promotori iustitiae vel defensori vinculi, si hi in iudicio adsint. C A N. .1857. § 1. Demonstrato attentato, iudex decernere debet eius revocationem seu purgationem. § 2. Quod si attentatum vi vel dolo perpetratum fuerit, qui illud commisit, tenetur etiam de damnis erga partem laesam. TITULUS XI. DE PROCESSU PUBLICATIONE, DE CONCLUSIONE IN CAUSA ET DE CAUSAE DISCUSSIONE. C A N. 1858. Ante causae discussionem et sententiam, omnes probationes quae in actis sunt et quae adhuc secretae manserunt, publicandae sunt. C A N. 1859. Concessa partibus earumque advocatis facultate acta processualia inspiciendi et exemplaria eorum petendi, intelligitur facta publicatio processi. CAN. 1860. § 1. Expletis omnibus quae ad probationes producendas pertinent, ad conclusionem in causa deveniendum est. § 2. Haec conclusio habetur quoties aut partes a iudice interrogatae declarant se nihil aliud deducendum habere, aut utile proponendis probationibus tempus a iudice praestitutum elapsum sit, aut iudex declaret se causam satis instructam habere. § 3. De peracta conclusione in causa, quocunque modo ea acciderit, iudex decretum ferat. CAN. 1861. § 1. Post conclusionem in causa, novae probationes inhibentur, nisi agatur de causis quae nunquam transeunt in rem iudicatam aut de documentis nunc primum repertis, aut de testibus qui antea ob legitimum impedimentum tempore utili induci non potuerunt. § 2. Si novas probationes admittendas censeat, id decernat iudex, audita altera

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parte, cui congruum tempus concedat ut novas probationes cognoscere et se defendere possit; aliter iudicium nullius est momenti. CAN. 1862. § 1. Facta conclusione in causa, iudex, pro suo prudenti arbitrio, partibus congruum temporis spatium praestituat ad defensiones suas seu allegationes sive per se sive per advocatum exhibendas.

[*Latin ed. p. 355*]

Book Four - Concerning Procedures 355 § 2. This term may be extended by the judge upon the request of one party, after hearing the other; or it may be shortened, with the consent of both parties. CAN. 1863. § 1. The defense must be presented in writing, and regularly copied in as many copies as there are judges, so that individual copies may be distributed to each judge. § 2. However, a copy must also be provided to the promoter of justice and the defender of the bond, if they are present in the judgment; furthermore, the parties must exchange copies with each other. § 3. The president of the tribunal may, whenever he deems it necessary according to his judgment, and if he observes that it can be done without undue burden on the parties, order that the defense be printed along with the main documents in a bundle, which contains a summary of the proceedings and documents. § 4. In this case, he shall order that nothing be printed unless the manuscript has first been presented and permission to publish it has been obtained; furthermore, he shall diligently take care to maintain confidentiality if there is anything in the case that must be kept secret. CAN. 2864. It is the duty of the judge, and in a collegiate tribunal, of the president, to prudently moderate any excessive length of the defenses, unless a special provision of the tribunal's law provides otherwise. CAN. 1865. § 1. The written defenses being exchanged between the parties, it is permissible for each party to present responses within a brief period established by the judge, and with the observance of the rules and precautions mentioned in canons 1863 and 1864. § 2. This right shall be granted to the parties only once, unless the judge deems it necessary to grant it again for a serious reason; in such a case, the concession granted to one party shall also be considered granted to the other. CAN. 1866. § 1. Oral "informations," by which lawyers seek to instruct the judge concerning matters of law and fact, are prohibited. § 2. However, a moderate discussion before the judge, while the tribunal is in session, is permitted to clarify something, if, upon the request of one or both parties, the judge deems it useful and admits it. § 3. In order to obtain a discussion, the parties must present in writing the main points of the matter to be discussed with the other party, expressed in a few words; the judge shall then communicate these points to the parties as needed, and shall assign a day and time for the discussion, and shall moderate the discussion itself. § 4. One of the notaries of the tribunal shall be present at the discussion, so that, if the judge orders it or a party requests it and the judge consents, he may, in writing, record what was discussed, confessed,

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or concluded, for the record of the proceedings.

[*Latin ed. p. 356*]

356 Code of Canon Law, CAN. 1867. In contentious cases, if the parties neglect to prepare a defense within a reasonable time, or if they submit the matter entirely to the judge's knowledge and conscience, the judge, if from the records and evidence he has a clear understanding of the matter, may pronounce judgment immediately.

TITLE XIII. Concerning Judgment.

CAN. 1868. § 1. A legitimate judgment is the pronouncement by which the judge, having considered the case proposed by the litigants and having treated it in a judicial manner, renders a decision; and it is called interlocutory if it settles an incidental matter; definitive if it settles the principal matter.

§ 2. Other pronouncements of the judge are called decrees.

CAN. 1869. § 1. For the pronouncement of any judgment, it is required that the judge have a moral certainty in his mind concerning the matter to be decided by the judgment.

§ 2. The judge must obtain this certainty from the records and evidence.

§ 3. The judge must evaluate the evidence according to his own conscience, unless the law expressly states otherwise regarding the validity of any particular evidence.

§ 4. If the judge is unable to form this certainty, he shall pronounce that the case is not proven by law and shall dismiss the defendant, unless the case involves a matter favorable to the defendant, in which case judgment must be rendered in favor of the defendant, and with the exception of the provision in can. 1697, § 2.

CAN. 1870. The judgment must be rendered by the judge after the discussion of the case has been completed; and if the case is more complex and difficult due to the volume of arguments or documents, a reasonable interval of time may be allowed.

CAN. 1871. § 1. In a collegiate tribunal, the president of the college shall determine the day and hour on which the judges shall meet to deliberate; and unless a particular case suggests otherwise, the meeting shall be held at the seat of the tribunal.

§ 2. After the day for the meeting has been set, each judge shall submit in writing his conclusions regarding the case, and the reasons, both factual and legal, upon which he has based his conclusions; these conclusions shall be attached to the records of the case, to be kept confidential.

§ 3. After the conclusions have been presented in order, according to precedence, but always with the person who introduced the case or the relator beginning, a moderate discussion shall be held on each conclusion, under the guidance of the president of the tribunal, especially in order to

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determine what should be included in the dispositive part of the judgment.

§ 4. During the discussion, it is permissible for each judge to recede from his previous conclusion.

[*Latin ed. p. 357*]

Book Four - Concerning Procedures 357 § 5. If the judges, in the initial discussion, are unwilling or unable to reach this judgment, the decision may be postponed to a new meeting; however, it must not be delayed beyond one week. CAN. 1872. If there is only one judge, it is up to him alone to write the judgment; in a collegiate tribunal, the prescription of canon 1584 must be observed. CAN. 1873. § 1. The judgment must: 1.° Define the controversy before the tribunal; that is, to acquit or condemn the accused with regard to the petitions or accusations brought against him, giving a suitable response to each doubt or point of contention; 2.° Determine (as far as it is permissible and the matter allows), what the condemned party must give, do, perform, or suffer, or from what he must abstain; and also in what manner, place, or time the obligation must be fulfilled; 3.° Contain the reasons or motives, both in fact and in law, upon which the judgment is based; 4.° Decide on the costs of the litigation. § 2. In a collegiate tribunal, the motives are taken from what each judge presented in the discussion, unless the majority of the judges have previously determined what motives should be presented. CAN. 1874. § 1. The judgment must be delivered, always invoking the Divine Name from the beginning. § 2. Then, it is necessary to state the name of the judge or tribunal; the name of the plaintiff, defendant, advocate, properly designated by name and domicile, the promoter of justice, and the defender of the bond, if they are present in the trial. § 3. Subsequently, a brief account of the facts and the conclusions of the parties must be given. § 4. These should be followed by the dispositive part of the judgment, preceded by the reasons upon which it is based. § 5. It must conclude with an indication of the day and place where it was written, and with the signature of the judge or all the judges, if there are more than one, and the notary. CAN. 3875. The rules stated above apply primarily to the delivery of a final judgment; but they are also applied, as far as the circumstances allow, to the delivery of interlocutory judgments. CAN. 1876. The judgment, thus prepared, must be published as soon as possible. CAN. 1877. The publication of the judgment can be done in three ways: either by summoning the parties to hear the reading of the judgment solemnly made by the judge for the tribunal.

[*Latin ed. p. 358*]

358 The Code of Canon Law stipulates that the judgment shall be notified to the parties either by being presented to them in person, or by allowing them to read the judgment and obtain a copy thereof from the registry of the tribunal; or, where custom prevails, by transmitting a copy

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of the judgment to the parties through public notaries, in accordance with canon 1719. TITLE XIV. Of the legal remedies against a judgment. CANON 1878. § 1. If there is a material error, whether in transcribing the dispositive part of the judgment, or in stating the facts, or in recording the petitions of the parties, or in making calculations, the judge himself can correct the error. § 2. The judge shall make this correction by issuing a decree at the request of a party, unless the other party objects. § 3. If the other party objects, the matter shall be determined by a decree, in accordance with canon 1840, § 3; and the decree shall be appended to the corrected judgment. CHAPTER I. Of the appeal. CANON 1879. The party who believes that they have been harmed by a judgment, as well as the promoter of justice and the defensor vinculi in cases in which they have been present, have the right to appeal from the judgment, that is, to request that the lower judge who rendered the judgment be reviewed by a higher judge, subject to the provision of canon 1880. CANON 1880. An appeal is not admissible from: 1.° The judgment of the Supreme Pontiff himself or the Sacred Penitentiary; 2.° The judgment of a judge delegated by the Holy See to examine the case with the clause "appeal removed"; 3.° A judgment affected by a nullity; 4.° A judgment which has become res judicata; 5.° A final judgment to which a solemn oath of litigation has been attached; 6.° A decree of a judge or an interlocutory judgment, which does not have the force of a final judgment, unless it is combined with an appeal from a final judgment; 7.° A judgment in a case where the law requires the matter to be definitively settled; 8.° A judgment rendered against a contumacious party who has not purged their contumacy; 9.° A judgment rendered against one who has expressly declared in writing that they renounce the right to appeal. CANON 1881. The appeal must be filed before the judge who rendered the judgment within ten days from the date of notification of the judgment.

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CAN. 359 1882. § 1. An appeal may be made orally before the judge presiding over the tribunal, if the sentence is read publicly, and it must be immediately recorded by the secretary.

§ 2. Otherwise, it must be made in writing, except in the case mentioned in canon 1707.

CAN. 1883. The appeal must be pursued before the judge to whom it is directed within one month from its presentation, unless the judge from whom the appeal is taken has granted a longer period for pursuing it.

CAN. 1884. § 1. To pursue an appeal, it is required and sufficient that the party invoke the jurisdiction of the superior judge for the amendment of the contested sentence, attaching a copy of this sentence and the appeal petition which he presented to the inferior judge.

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§ 2. If the party cannot obtain a copy of the contested sentence within the applicable time from the tribunal from which the appeal is taken, the terms do not run during this time, and it must be signified to the judge of appeal, who must compel the judge from whom the appeal was taken to fulfill his duty as soon as possible.

CAN. 1885. § 1. If the case mentioned in canon 1733 occurs within the applicable time for appeal but before the appeal has been presented, the sentence must be notified to those whose interests are involved, and they are understood to have the terms established by law reckoned from the day of notification.

§ 2. If it occurs after the appeal has been presented, the appeal must be notified to them, and the applicable time for pursuing the appeal begins anew from the day of notification, in their favor.

CAN. 1886. If the fatal terms for the appeal have elapsed, whether before the judge from whom the appeal was taken or before the judge to whom it is directed, the appeal is considered abandoned.

CAN. 1887. § 1. An appeal made by the plaintiff also benefits the defendant, and vice versa.

§ 2. If it is presented by one party regarding a certain part of the sentence, the opposing party, even if the fatal terms for the appeal have passed, may appeal regarding other relevant parts; and he may do so even under the condition of withdrawing, if the first party withdraws from the appeal.

§ 3. If the sentence contains several parts, and the appellant impugns only certain parts, the other parts are considered excluded; if he does not specify any part, the appeal is presumed to be made against all parts.

CAN. 1888. If one of several defendants or plaintiffs impugns the sentence, the impugnation is considered made by all, whenever the requested matter is individual.

[*Latin ed. p. 360*]

Codex Iuris 360. Obligatio solidalis; sed expensas judiciales ille solum sustinere debet qui appellavit, si iudex appellationis primam sententiam confirmavit.

CAN. 1889.

§ 1. Appellatio, cum effectum suspensivum habeat, executionem sententiae appellatae suspendit, et propterea in suo robore permanet principium: "lite pendente nihil innovetur"; appellatio autem, cum effectum devolutivum habeat, tantum sententiae executionem non suspendit, licet lis adhuc pendeat circa meritum causae.

§ 2. Omnis appellatio est in suspensivo, nisi aliud in iure expresse caveatur, firmum praescripto can. 1917, § 2.

CAN. 1890. Interposita appellatione, tribunal a quo debet ad iudicem ad quem actorum causae authenticum exemplar vel ipsamet originalia acta

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causae transmittere, ad normam can. 1644.

CAN. 1891.

§ 1. In gradu appellationis non potest admitti nova petendi causa, ne per modum quidem utilis cumulationis; ideoque litis contestatio in eo tantum versari potest ut prior sententia vel confirmetur, vel reformetur, sive ex toto, sive ex parte.

§ 2. Sed novis exhibitis documentis et novis probationibus poterit causa instrui, servatis regulis traditis in can. 1786, 1861.

CAPUT II. De querela nullitatis contra sententiam.

CAN. 1892. Sententia vitio insanabilis nullitatis laborat, quando:

1.° Lata est a iudice absolute incompetente vel in tribunali collegiali a non legitimo iudicum numero, contra praescriptum can. 1576, § 1;

2.° Lata est inter partes, quarum altera saltem non habet personam standi in iudicio;

3.° Quis nomine alterius egit sine legitimo mandato.

CAN. 1893. Nullitas de qua in can. 1892 proponi potest per modum exceptionis in perpetuum, per modum vero actionis coram iudice qui sententiam tulit, intra triginta annos a die publicationis sententiae.

CAN. 1894. Sententia vitio sanabilis nullitatis laborat, quando:

1.° Legitima defuit citatio;

2.° Motivis seu rationibus decidendi est destituta, salvo praescripto can. 1605;

3.° Subscriptionibus caret iure praescriptis.

[*Latin ed. p. 361*]

Book Fourth - Concerning Processes 361 4.° It makes no difference the indication of the year, month, day, and place where it was pronounced. C A N. 1895. A petition for nullity in the cases mentioned in can. 1894, may be presented either together with an appeal within the decade, or separately and alone, within three months from the day of the publication of the sentence before the judge who pronounced the sentence. C A N. 1896. If a party fears that the judge who pronounced the sentence, against which the petition for nullity is brought, may have a prejudiced mind, and therefore justly suspects him, he may demand that another judge, but in the same court, be substituted in his place, according to can. 1615. CAN. 1 8 9 7. § 1. A petition for nullity may be presented not only by the parties who consider themselves aggrieved, but also by the promoter of justice or the defensor vinculi, whenever they were present at the judgment. § 2. Indeed, the judge himself may, ex officio, retract and amend the sentence he has pronounced, within the terms for taking action as stated above. CHAPTER III. Concerning the opposition of a third party. C A N. 1898. If a final sentence infringes the prescribed rights of others, these have an

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extraordinary remedy, which is called the opposition of a third party, by virtue of which those who fear that their rights have been violated by the sentence, may challenge the sentence itself before its execution and oppose it. C A N. 1899. § 1. The opposition may be made at the option of the appellant, either by requesting a revision of the sentence from the same judge who pronounced it, or by appealing to a superior judge. § 2. In either case, the appellant must prove that his right has truly been violated or is likely to be violated. § 3. The violation, however, must arise from the sentence itself, either because the sentence itself is the cause of the violation, or, if execution is ordered, because it will cause serious prejudice to the appellant. § 4. If neither is proven, the judge, notwithstanding the third party's opposition, may decree the execution of the sentence. CAN. 1900. If the petition is admitted, and if the appellant wishes to proceed in the court of appeal, he is bound by the laws established for appeals; if before the same judge who pronounced the sentence, the rules to be observed for incidental causes must be followed. CAN. 1901. The cause, being brought by the appellant, the sentence previously pronounced must be changed by the judge, according to the appellant's request.

[*Latin ed. p. 362*]

Codex Iuris Canonici 362, TITLE XV. Concerning the Res Judicata and the Restoration to the Former State. CANON 1902. A matter is considered *res judicata* in the following cases: 1.° By a double, conforming judgment; 2.° By a judgment not appealed within the prescribed time; or which, although appealed before the judge from whom it originated, was dismissed before the judge to whom it was appealed; 3.° By a final judgment, against which no appeal is granted, according to canon 1880. CANON 1903. Causes concerning the status of persons never become *res judicata*; but, in these cases, a double, conforming judgment results in the following: that a further claim shall not be admitted, unless it is supported by newly presented arguments or documents of considerable weight. CANON 1904. § 1. A matter considered *res judicata* is, by presumption of law and by law, true and just, and cannot be directly impugned. § 2. It creates a right between the parties and provides a bar to the introduction of a new case on the same matter. CANON 1905. § 1. Against a judgment against which there is no ordinary remedy of appeal or a nullity action, an extraordinary remedy of restoration to the former state is granted, within the limits of canon 1688, provided that it is manifestly evident that there has been a manifest injustice in the matter in question. § 2. However, it is not considered to be manifestly evident unless: 1.° The judgment is based on documents that have subsequently been proven to be false; 2.° Documents have subsequently been discovered that definitively prove new facts requiring a contrary decision; 3.° The judgment was rendered through the fraud of one party to the detriment of the other; 4.° A provision of the law has been evidently

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disregarded. CANON 1906. The competent judge to grant a restoration to the former state is the judge who rendered the judgment, unless the request is made due to a failure to comply with the law prescribed by the judge; in which case, the court of appeal grants it. CANON 1907. § 1. A petition for restoration to the former state suspends the execution of the judgment that has not yet begun. § 2. However, if there is a suspicion, based on probable evidence, that the petition has been made in order to delay the execution, the judge may order that the judgment be enforced, but shall require the petitioner to provide suitable security, so that, if the restoration is granted, he will be indemnified.

[*Latin ed. p. 363*]

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TITLE XVI. Of judicial expenses and gratuitous legal assistance.

CHAPTER I. Of judicial expenses.

CANON 1908. In contentious cases, parties may be required to pay something, under the title of judicial expenses, unless they are exempted from this burden according to canons 1914-1916.

CANON 1909. § 1. The provincial council, or the assembly of bishops, is to establish a schedule and regulation in which it is specified what parties owe for judicial expenses; which is the compensation to be paid by the parties for the work of advocates and procurators; which is the measure of remuneration for translations and transcriptions; for their examination and for guaranteeing their fidelity; and also for extracting documents from the archives.

§ 2. However, the judge, according to his prudent judgment, may require that the money for judicial expenses, for the compensation of witnesses, and for the fees of experts, be deposited with the court registry by the party who brings the suit, or, if the judge acts ex officio, by the plaintiff, or that at least a suitable guarantee be provided that the money will be paid later.

CANON 1910. § 1. The prevailing party is regularly bound to reimburse the judicial expenses, both in the principal cause and in incidental matters.

§ 2. If the plaintiff or defendant has litigated recklessly, he must also be condemned to pay damages.

CANON 1911. If the plaintiff or defendant has only partially succeeded, or if the dispute has arisen between relatives or affines, or if it concerns a very difficult question, or for any other just and serious reason, the judge, according to his prudent judgment, may, in whole or in part, compensate the expenses between the parties; and this must be expressed in the very wording of the judgment.

CANON 1912. If there are several parties in the case who deserve to be condemned to pay expenses, the judge shall condemn them jointly, if the obligation is joint; otherwise, in proportion.

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CANON 1913. § 1. No appeal is given concerning the decision on expenses; but the party who considers himself aggrieved may file an objection within ten days.

[*Latin ed. p. 364*]

Codex Iuris Canonici 364: Ante eundem iudicem, qui de hac re rursus cognoscere poterit, et taxationem emendare ac moderari. § 2. Appellatio a sententia circa causam principalem secumfert appellationem a pronuntiatione circa expensas.

CAPUT: De gratuito patrocinio, seu de diminutione expensarum judicialium.

CAN. 3914. "Pauperes, si omnino impares sunt expensis judicialibus sustinendis, ius habent ad gratuitum patrocinium; si ex parte tantum, ad expensarum diminutionem."

CAN. 1915. § 1. Qui exemptionem ab expensis vel earum diminutionem assequi vult, eam a iudice postulare debet, dato supplici libello, allatisque documentis quibus quae conditio sit postulantis, quaeve eius rei familiaris copia demonstret; praeterea probare debet se non futilem neque temerariam causam agere.

§ 2. Iudex postulationem nec admittat nec rejiciat, nisi requisitis, si opus sit, notitiis etiam secretis quibus statum rei familiaris ipsius postulantis compertum habere possit, auditoque promotore iustitiae; imo concessam potest etiam revocare, si in decursu processus assertam paupertatem non adesse compertum habuerit.

CAN. 1916. § 1. Ad gratuitum pauperum patrocinium, iudex in singulis causis eligat aliquem ex advocatis in suo foro approbatum, qui ab hoc munere explendo, nisi ex causa iudici probata, sese subducere nequit; secus a iudice congrua poena, etiam suspensionis ab officio, plecti potest.

§ 2. Deficientibus advocatis, iudex Ordinarium loci roget ut aliam idoneam personam, si opus sit, designet ad pauperis patrocinium suscipiendum.

TITULUS XVII: De exsecutione sententiae.

CAN. 1917. § 1. Sententia quae transiit in rem iudicatam, exsecutioni mandari potest.

§ 2. Iudex tamen potest sententiae, quae nondum transiit in rem iudicatam, provisoriam exsecutionem iubere:

1.° Si agatur de provisionibus seu praestationibus ad necessariam sustentationem ordinatis;

2.° Si alia gravis urgeat necessitas, ita tamen ut, concessa provisoria exsecutione, per cautiones, fideiussiones aut pignora satis consultum sit indem-

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nitati alterius partis, casu quo exsecutio revocanda sit.

[*Latin ed. p. 365*]

Book Four - Concerning Processes 365 Canon 1918. Execution cannot take place before the judge's decree is obtained, by which it is explicitly ordered that the sentence itself be committed to execution; this decree may be included in the very wording of the sentence, or it may be issued separately. Canon 1919. If the execution of the sentence requires a prior hearing of reasons, the matter is to be decided by the same judge, observing the laws, who ordered the sentence to be committed to execution. Canon 1920. § 1. The Ordinary of the place where the sentence of the first instance was pronounced must, by himself or through another, order the execution of the sentence. § 2. If he refuses or neglects to do so, at the request of the interested party, or even ex officio, the execution pertains to the judge of appeals. § 3. In the case of religious, the execution of the sentence pertains to the Superior who pronounced the final sentence, or to the judge he has delegated. Canon 1921. § 1. The executor, unless something to the contrary is permitted in the wording of the sentence itself, must execute the sentence itself, according to the obvious meaning of the words. § 2. He may inquire about exceptions concerning the manner and force of the execution, but not about the merits of the case; if he has learned from elsewhere that the sentence is manifestly unjust, he must abstain from execution, and refer the matter to the one who ordered the execution. Canon 1922. § 1. With regard to real actions, if something is adjudged to the plaintiff, it must be delivered to the plaintiff immediately, and the matter is considered settled. § 2. With regard to personal actions, when the defendant is condemned to deliver a movable thing, or to pay money, or to give or do something else, a four-month period is granted for fulfilling the obligation. § 3. The judge may reduce or extend the prescribed term, provided that it is not shortened to less than two months, nor extended beyond six months. Canon 1923. § 1. In carrying out the execution, the executor must take care to cause as little harm as possible to the condemned, and for this reason, he should begin the execution by seizing things that are less necessary to him, always preserving those that are necessary for his sustenance or livelihood; and if the case involves a cleric, his sustenance must be preserved in accordance with canon 122. § 2. In the execution of the deprivation of a benefice, the judge must not proceed against a cleric who has appealed to the Holy See; but if the matter concerns a benefice, to which

[*Latin ed. p. 366*]

366 The Code of Canon Law stipulates that, concerning the care of souls, the Ordinary must provide for a substitute vicar. CAN. 1924. The executor shall first employ warnings and precepts towards the reluctant party; but he shall not proceed to spiritual penalties or censures, unless out of

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necessity and gradually. SECTION II. Concerning the particular norms to be observed in certain judgments. TITLE XVIII. Concerning the MEANS OF AVOIDING CONTENTIOUS JUDGMENTS. CHAPTER I. Concerning transaction. CAN. 1925, § 1. Since it is highly desirable that disputes among the faithful be avoided, the judge shall employ exhortations, so that when a contentious controversy concerning their property is presented, if there is any hope of agreement, the dispute may be settled through transaction. § 2. The judge can fulfill this duty either before the parties are summoned to judgment, or when the judgment has already begun, or at any time when he deems it possible and more opportune to attempt it. § 3. However, it is fitting for the dignity of the judge that he himself, at least regularly, does not undertake this task, but rather entrusts it to some priest, especially from among the synodal judges. CAN. 1926. In a transaction, the norms established by the civil laws of the place where the transaction is initiated shall be observed, unless they are contrary to divine or ecclesiastical law, and with the exception of the prescriptions of the canons that follow; CAN. 1927. § 1. A transaction cannot be validly made in a criminal case, nor in a contentious case in which it is a question of dissolving a marriage, or concerning a benefice, when the dispute concerns the very title to the benefice, unless legitimate authority is added, nor concerning spiritual matters whenever a temporal solution is involved. § 2. But if the question concerns temporal ecclesiastical goods and those things which, although connected with spiritual matters, can nevertheless be considered separately from spiritual matters, a transaction can be made, provided that, if the matter requires it, the formalities established by law for the alienation of ecclesiastical property are observed.

[*Latin ed. p. 367*]

Book Fourth - Concerning Processes 367 C A N. 1928. § 1. The effect of a transaction successfully concluded is called a composition or agreement. § 2. Unless otherwise expressly stipulated, each party shall pay half of the expenses incurred by the transaction.

CHAPTER II. Concerning Arbitration.

C A N. 1929. To avoid judicial disputes, the parties may also enter into an agreement whereby the dispute is submitted to the judgment of one or more persons who, according to the law, resolve the matter, or who treat and settle the business fairly and justly; these arbitrators are properly called "arbitrators."

C A N. 1930. The prescriptions of canons 1926 and 1927 also apply to arbitration.

C A N. 1931. Laypersons are prohibited from validly exercising the office of arbitrator in ecclesiastical causes, as are excommunicated persons and those who have been declared infamous after a declaratory or condemnatory sentence; religious are also prohibited from accepting the office of

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arbitrator without the permission of their Superior.

C A N. 1932. If the parties do not wish to agree to a transaction or to arbitration with arbitrators, the dispute must be resolved through a formal judgment according to the provisions of Section I.

TITLE XIX. Concerning Criminal Judgment.

C A N. 1933. § 1. The crimes that fall under criminal judgment are public crimes.

§ 2. Crimes subject to penal sanctions are excepted, as are those mentioned in canons 2168-2194.

§ 3. In mixed-jurisdiction crimes, the Ordinary should not regularly proceed if the accused is a layperson, unless the civil magistrate, taking into consideration the public good, deems it appropriate to intervene.

§ 4. Penance, as a penal remedy, excommunication, suspension, and interdict may also be imposed by way of a precept outside of judgment, provided that the crime is certain.

[*Latin ed. p. 368*]

368 Codex Iuris Canonici, CAPUT I. De actione accusatoria et denuntiatione.

CAN. 1934. "Actio seu accusatio criminalis reservatur uno promotori iustitiae, omnibus aliis exceptis."

CAN. 1935. § 1. "Quilibet tamen fidelium semper potest delictum alterius denuntiare ad satisfactionem petendam vel damnum sibi resarciendum, vel etiam studio iustitiae ad alicuius scandali vel mali reparationem."

§ 2. "Imo, obligatio denuntiationis urget quotiescumque ad id quis adigitur, sive lege vel peculiari legitimo praecepto, sive ex ipsa naturali lege ob fidei vel religionis periculum vel aliud imminens publicum malum."

CAN. 1936. "Denuntiatio scriptis a denuntiante subsignatis vel oretenus fieri debet loci Ordinario, vel cancellario Curiae vel vicariis foraneis vel parochis, a quibus tamen, si viva voce facta fuerit, scriptis est consignanda et statim ad Ordinarium deferenda."

CAN. 1937. "Qui delictum denuntiat debet promotori iustitiae adiumenta suppeditare ad eiusdem delicti probationem."

CAN. 1938. § 1. "In causa iniuriarum aut diffamationis, ut actio criminalis instituatur, requiritur praevia denuntiatio aut querela partis laesae."

§ 2. "Sed si agatur de iniuria aut diffamatione gravi, clerico vel religioso, praesertim in dignitate constituto, illata, aut quam clericus vel religiosus alii intulerit, actio criminalis institui potest etiam ex officio."

CAPUT II. De inquisitione.

CAN. 1939. § 1. "Si delictum nec notorium sit nec omnino certum, sed innotuerit sive ex rumore et publica fama, sive ex denuntiatione, sive ex querela damni, sive ex inquisitione generali ab Ordinario facta, sive alia

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quavis ratione, antequam quis citetur ad respondendum de delicto, inquisitio specialis est praemittenda ut constet an et quo fundamento innitatur imputatio."

§ 2. "Huic regulae locus est sive agatur de irroganda poena vindicativa vel censura, sive de ferenda sententia declaratoria poenae vel censurae in quam quis inciderit."

[*Latin ed. p. 369*]

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CAN. 1940. This investigation, although it can be carried out by the local Ordinary himself, should nevertheless, according to the general rule, be entrusted to one of the synodal judges, unless it appears to the Ordinary, for a particular reason, that it should be entrusted to another.

CAN. 1941. § 1. The investigator shall be appointed not for a general body of causes, but as often as necessary, and for each individual cause.

§ 2. The investigator is bound by the same obligations as the ordinary judges, and in particular, he must take an oath to maintain secrecy and to faithfully fulfill his office, and he must abstain from accepting offices, according to canons 1621-1624.

§ 3. The investigator may not act as a judge in the same cause.

CAN. 1942. § 1. It is left to the prudent judgment of the Ordinary to determine when the evidence available is sufficient to institute an investigation.

§ 2. Denunciations which come from a manifest enemy, or from a worthless and unworthy person, or which are anonymous and lack those other elements which might make the accusation reasonably probable, are to be disregarded.

CAN. 1943. The investigation must always be conducted in secret, and with the utmost caution, so that the rumor of a crime is not spread, nor the good name of anyone put in jeopardy.

CAN. 1944. § 1. To achieve its purpose, the investigator may summon and question those whom he considers to be informed about the matter, under oath to tell the truth and to maintain secrecy.

§ 2. In the examination of these individuals, the investigator shall, as far as possible and as the nature of the investigation allows, observe the rules established in canons 1770-1781.

CAN. 1945. Before concluding the investigation, the investigator may consult with the promoter of justice as often as he encounters any difficulty, and he shall communicate the proceedings to him.

CAN. 1946. § 1. Upon completion of the investigation, the investigator, with his own opinion added, shall report everything to the Ordinary.

§ 2. The Ordinary, or by his special mandate, his official, shall order that:

1°. If it appears that the denunciation is without solid foundation, this

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shall be declared in the proceedings, and the proceedings themselves shall be kept in the secret archives of the Curia;

2°. If there are indications of a crime, but not yet sufficient to institute an accusatory action, the proceedings shall be kept in the same archives and the case shall remain pending.

[*Latin ed. p. 370*]

Codex Iuris 370. Clerics who are suspected of crimes shall be temporarily excused from their duties, pending the judgment of the Ordinary, who shall prudently consider the matter and, if the circumstances warrant, shall admonish them according to canon 2307; 3.° If, finally, certain or at least probable and sufficient arguments are available to institute an accusation, the accused shall be summoned to appear, and proceedings shall be initiated according to the canons that follow. CHAPTER III. Concerning the Correction of the Offender. CANON 1947. If the accused, when questioned, confesses the crime, the Ordinary, instead of a criminal trial, may apply judicial correction, if it is fitting. CANON 1948. Judicial correction cannot take place: 1.° In cases of crimes which incur the penalty of excommunication, either in its special or particular form, reserved to the Apostolic See, or the deprivation of benefits, infamy, suspension, or degradation; 2.° When it is a question of imposing a declaratory sentence of punishment or censure upon someone; 3.° When the Ordinary believes that it will not be sufficient for the reparation of the scandal and the restoration of justice. CANON 1949. § 1. Correction may be applied once, and again, but not a third time against the same person. § 2. Therefore, if, after a second correction, the accused commits the same crime, a criminal trial must be instituted or continued according to canons 1954 and following. CANON 1950. Within the limits of canons 1947 and 1948, correction can be applied by the Ordinary not only before the preliminary investigation is held for a formal trial, but also during the trial itself, before its conclusion; and in that case, the trial is suspended, unless it is necessary to continue it because the correction has become ineffective. CANON 1951. § 1. Correction can also be applied, even after a complaint of damages resulting from a crime has been interposed. § 2. In this case, the Ordinary can, with the consent of the parties, prudently examine and resolve the question of damages. § 3. But if he believes that the question of damages cannot be easily and justly defined, he may, referring the solution of this question to the judicial order, seek, through correction, the reparation of the scandal and the amendment of the offender.

[*Latin ed. p. 371*]

Book Fourth - Concerning Processes 37 T C A N . 1952. § 1. Correction judicial, besides salutary admonitions, ought generally to be joined with certain suitable remedies, or the prescription of penances or pious works, which may serve to publicly repair the injured justice or scandal. § 2. The

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salutary remedies, penances, and pious works prescribed to the accused ought to be milder and lighter than those which could be and ought to be inflicted upon him in a criminal judgment by a condemnatory sentence. CAN. 1953. Correction is considered to have been applied ineffectually, if the accused does not accept the remedies, penances, and pious works prescribed to him, or if, having accepted them, he does not carry them out. CHAPTER IV. Concerning the conduct of the criminal process and the institution of the cause. CAN. 1954. If correction judicial is either insufficient for the reparation of scandal and the restoration of justice, or cannot be applied because the accused denies the crime, or has been applied ineffectually, the Bishop, or an official by his special mandate, shall order that the acts of the investigation be delivered to the promoter of justice. CAN. 1955. The promoter shall immediately prepare the indictment and present it to the judge according to the norms established in Section One. CAN. 1956. In more serious offenses, if the Ordinary judges that the accused, by his actions, is offending the faithful, or is unfit to minister in the sacred functions or to exercise any ecclesiastical office, or to publicly attend the Holy Synaxis, he may, after hearing the promoter of justice, prohibit him from the sacred ministry, from the exercise of those offices, or even from public participation in the Holy Synaxis, according to canon 2222, § 2. CAN. 1957. Likewise, if the judge judges that the accused may inspire fear in witnesses or corrupt them, or in some other way impede the course of justice, he may, after hearing the promoter of justice, by his decree order that he temporarily leave Oppido or the parish, or even that he withdraw to a designated place and remain there under special surveillance. CAN. 1958. The decrees concerning which are mentioned in canons 1956 and 1957, may not be issued unless the accused has been summoned and is present, or is in contumacy, or after his first hearing.

[*Latin ed. p. 372*]

The Code of Canon Law provides a remedy, either immediately or subsequently during the course of the process; and conversely, no legal remedy is granted in such cases. CAN. 1959. In all other matters, the rules set forth in the First Section of this Book are to be observed, and the penalties for offenses are to be imposed as prescribed in the Fifth Book.

TITLE XX. Concerning Matrimonial Causes.

CHAPTER I. Concerning the Competent Tribunal.

CAN. 1960. Matrimonial causes involving baptized persons are, by proper and exclusive law, subject to the ecclesiastical judge.

CAN. 1961. Causes concerning the civil effects of marriage, if they are the primary object of the proceedings, belong to the civil authority, according to canon 1016; but if they are incidental and accessory, they can also be examined and decided by the ecclesiastical judge by virtue of his own jurisdiction.

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CAN. 1962. The Sacred Congregation or the Tribunal, or a special Commission to which the Supreme Pontiff has delegated this authority, shall exclusively hear causes concerning those matters mentioned in canon 1557, § 1, no. 1; causes for a dispensation concerning a valid but unconsummated marriage are heard by the Sacred Congregation for the Discipline of the Sacraments; and causes concerning the Pauline Privilege are heard by the Sacred Congregation of the Holy Office.

CAN. 1963. § 1. Therefore, no inferior judge can conduct a process in causes for a dispensation concerning a valid marriage unless the Apostolic See has granted such authority to him.

§ 2. However, if the competent judge, by his own authority, has rendered a judgment concerning a marriage that is not valid due to impotence, or due to a cause other than impotence, and proof of this has not yet emerged, all the proceedings are to be transmitted to the Sacred Congregation, which may use them to render a judgment concerning the validity or invalidity of the marriage.

CAN. 1964. In other matrimonial causes, the competent judge is the judge of the place where the marriage was celebrated, or in which one of the parties has their domicile or quasi-domicile, or, if one of the parties is not Catholic, their domicile or quasi-domicile in Cattolica.

[*Latin ed. p. 373*]

Book Fourth - Concerning Procedures 373. Canon 1965. If marriage is impugned on the grounds of a lack of consent, the judge must first of all take care to urge, by suitable admonitions, the party in whose case the lack of consent is alleged, to renew their consent; if the objection is due to a defect in the essential form, or to a diriment impediment which can be and is usually dispensed, the parties should be urged to seek to renew their consent in a legitimate form, or to petition for a dispensation. CHAPTER II. Concerning the Tribunal to be Established. Canon 1966. In accordance with the firm prescription of canon 1576, § 1, there is only one judge who acts as an instructor in the inquiry for a dispensation concerning a marriage that is valid but not consummated. Canon 1967. Whether the case concerns the nullity of marriage, or the proving of lack of consummation, or the causes for granting a dispensation concerning a valid marriage, the defensor vinculi matrimonialis [defender of the bond of marriage] must be summoned, according to canon 1586. Canon 1968. The duties of the defensor vinculi are: 1.° To be present at the examination of the parties, witnesses, and experts; to present to the judge written questions, sealed and signed, which the judge shall open during the examination and present to the parties or witnesses; to suggest to the judge new questions, arising from the examination; 2.° To examine the arguments presented by the parties, and to object to them, as necessary; to acknowledge the documents presented by the parties; 3.° To write and present observations against the nullity of the marriage, and to

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present proofs for its validity or for its consummation, and to bring forward everything that he considers useful for maintaining the marriage. Canon 1969. The defensor vinculi has the right: 1.° To always and at any moment of the proceedings, even if they have not yet been made public, to examine the acts of the case; to request that the deadlines for completing the written submissions be extended, a request to be granted at the discretion of the prudent judge; 2.° To be informed of all proofs or allegations, so that he may have the opportunity to object; 3.° To request that other witnesses be summoned, or that the same witnesses be examined again, even after the proceedings have been completed or made public, and to present new observations; 4.° To demand that other acts, which he has suggested, be completed, unless the tribunal unanimously disagrees.

[*Latin ed. p. 374*]

374 Codex Iuris, CAPUT III. De iure accusandi matrimonium et postulandi dispensationem super rato.

CAN. 1970. Tribunal collegiale nullam causam matrimonialem cognoscere vel definire potest, nisi regularis accusatio vel iure facta petitio praecesserit.

1971. CAN. § 1. Habiles ad accusandum sunt: 1.° Coniuges, in omnibus causis separationis et nullitatis, nisi ipsi fuerint impedimenti causa; 2.° Promotor iustitiae in impedimentis natura sua publicis.

§ 2. Reliqui omnes, etsi consanguinei, non habent ius matrimonia accusandi, sed tantummodo nullitatem matrimonii Ordinario vel promotori iustitiae denuntiandi.

CAN. 1972. Matrimonium, quod, utroque coniuge vivente, non fuerit accusatum, post mortem alterutrius vel utriusque coniugis ita praesumitur validum fuisse, nisi contra hanc praesumptionem non admittatur probatio, nisi incidenter oriatur quaestio.

CAN. 1973. Soli coniuges ius habent petendi dispensationem super matrimonio rato et non consummato.

CAPUT IV. De probationibus.

ART. I. — De testibus.

CAN. 1974. Consanguinei et afanes de quibus in can. 1757, § 3, n. 3, habentur testes habiles in causis suorum propinquorum.

CAN. 1975. § 1. In causis impotentiae vel inconsummationis, nisi de impotentia vel inconsummatione aliunde certo constet, debet uterque coniux testes, qui septimae manus audiunt, inducere, sanguine aut affinitate sibi coniunctos, sin minus vicinos bonae famae, aut alioquin de re edoctos, qui iurare possint de ipsorum coniugum probitate, et praesertim de veracitate circa rem in controversiam deductam; quibus iudex ad normam can. 1759, § 3 alios testes potest ex officio adiungere.

§ 2. Testimonium septimae manus est argumentum credibilitatis quod robur addit depositionibus coniugum; sed vim plenae probationis non

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obtinet, nisi aliis adminiculis aut argumentis fulciatur.

[*Latin ed. p. 375*]

Book Fourth - Concerning Procedures 375 A R T. II - Concerning the physical examination. CAN. 1976. In cases of impotence or consummation, a physical examination of one or both spouses must be performed by experts, unless it is clearly evident from the circumstances that such an examination would be useless. CAN. 1977. In the selection of experts, in addition to the norms given in canons 1792-1805, the prescriptions of the following canons must be observed. CAN. 1978. Those who have privately examined either spouse concerning the matter to which the petition for a declaration of nullity or consummation pertains, should not be admitted to the office of expert; however, they may be presented as witnesses. CAN. 1979. § 1. Two expert physicians must be appointed by order to examine the man. § 2. Two midwives, who possess legitimate proof of their expertise, must be appointed by order to examine the woman; unless the woman prefers to be examined by two physicians also appointed by order, or the Ordinary deems it necessary. § 3. The physical examination of the woman must be performed, strictly observing all the rules of Christian modesty, and with an honest matron always present, appointed by order. CAN. 1980. § 1. The midwives or experts must each perform the examination of the woman separately. § 2. Each physician or midwife shall prepare a report, to be submitted within the time limit set by the judge. § 3. The judge may subject the reports prepared by the midwives to the examination of another expert physician, if he deems it appropriate. CAN. 1981. After the examination, the experts, midwives, and matron, each separately, shall be questioned by the judge, according to the articles previously prepared by the defender of the bond, to which they, having taken an oath, shall answer. CAN. 1982. Even in cases of lack of consent due to dementia, the assistance of experts is required, who shall examine the infirm person, if the case warrants, and his actions which suggest suspicion of dementia, according to the principles of the art; moreover, experts who have previously visited the infirm person should be heard as witnesses.

[*Latin ed. p. 376*]

376. Codex Iuris Canonici, CAPUT V. De publicatione processus, conclusione in causa et sententia.

CAN. 1983. § 1. Postquam processum publicatum est, licet adhuc partibus novos testes, secundum normam canonis 1786, super diversis articulis adducere.

§ 2. Si vero testes iam excussi sunt super iisdem articulis antea propositis, et denuo audiendi sunt, servetur praescriptum canonis 1781, ut integro iure defensoris vinculi opportunas exceptiones proponendi liceat.

CAN. 1984. § 1. Defensor vinculi habet ius ut in allegando, petendo et re-

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spondendo, tam in scriptis quam in defensione orali, audiretur postremus.

§ 2. Quare tribunal ad definitivam sententiam non debeat pervenire, nisi prius vinculi defensor interrogatus declinavit sibi nihil deducendum vel inquirendum superesse.

§ 3. Si vero ante praefinitum a iudice iudicii diem defensor nihil deduxerit, praesumitur eum nihil iam deducendum habere.

CAN. 1985. In causis quae spectant ad dispensationem matrimonii rati et non consummati, iudex instructor neque ad publicationem processus neque ad sententiam super ipsa inconsummatione et causis ad dispensandum pervenire debet, sed omnia acta una cum voto scripto Episcopi et defensoris vinculi transmittat ad Sedem Apostolicam.

CAPUT VI. De appellationibus.

CAN. 1986. A prima sententia, quae matrimonii nullitatem declaraverit, vinculi defensor, intra legitimum tempus, ad superius tribunal provocare debet; et si negligat officium suum implere, compellatur auctoritate iudicis.

CAN. 1987. Post secundam sententiam, quae matrimonii nullitatem confirmaverit, si defensor vinculi in gradu appellationis pro sua conscientia non crediderit esse appellandum, ius coniugibus est, decem diebus a sententiae denuntiatione elapsis, novas nuptias contrahendi.

CAN. 1988. Decreta matrimonii nullitate, Ordinarius loci curare debet, ut de ea mentio fiat in baptismorum et matrimoniorum regestis, ubi matrimonii celebratio consignata invenitur.

[*Latin ed. p. 377*]

Book Fourth - Concerning Procedures. CAN. 377, 1989. Since sentences in matrimonial cases never become final judgments, the cases themselves, if new arguments are available, can always be reopened, according to the firm prescription of can. 1903. CHAPTER VII. Concerning cases excepted from the rules previously established. CAN. 1990. If, from a certain and authentic document, which is subject to no contradiction or exception, it is established that an impediment exists, whether of disparity of cult, order, solemn vow of chastity, marriage, consanguinity, affinity, or spiritual relationship, and at the same time it appears with equal certainty that no dispensation has been granted concerning these impediments, then, in these cases, after the formalities previously mentioned have been observed, the Ordinary, after summoning the parties, may declare the marriage null, with the intervention, however, of the Defender of the Bond. CAN. 1991. Against this declaration, the Defender of the Bond, if he prudently believes that the impediments concerning which the declaration was made are not certain, or that a dispensation probably intervened concerning them, is obliged to appeal to the judge of second instance, to whom the proceedings must be transmitted, and who must be notified in writing to consider the case as an exception. CAN. 1992. The judge of second instance, with the

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sole intervention of the Defender of the Bond, shall decide in the same manner as in can. 1990, whether the sentence is to be confirmed, or whether the case should proceed according to the ordinary course of law; in which case, he shall refer it to the tribunal of first instance. TITLE XXI. Concerning cases against sacred orders. CAN. 1993. § 1. In cases in which obligations contracted by sacred order are impugned, or the validity of the sacred order itself, a petition must be sent to the Sacred Congregation for the Discipline of the Sacraments, or, if the sacred order is impugned because of a substantial defect in the sacred rite, to the Sacred Congregation of the Holy Office; and the Sacred Congregation shall decide whether the case is to be treated in a judicial manner or through administrative proceedings. § 2. If, first, the Sacred Congregation refers the case to the tribunal of the diocese to which the cleric belonged at the time of the sacred order, or, if the sacred order is impugned because of a substantial defect in the sacred rite, to the tribunal,

[*Latin ed. p. 378*]

378. The Code of Canon Law applies to the diocese in which the ordination took place; concerning appeals, the prescribed regulations in canons 1594-1601 are to be followed. § 3. If another party raises a question, the same Sacred Congregation will resolve the matter after a preliminary investigative process conducted by the competent tribunal of the Curia.

CAN. 1994. § 1. A cleric may challenge the validity of a sacred order in the same manner as the Ordinary to whom the cleric is subject, or in whose diocese the cleric was ordained.

§ 2. Only a cleric who believes that he has incurred obligations attached to the sacred order can petition for a declaration of nullity of those obligations.

CAN. 1995. All that is stated in the first section of this Part, and in the special title concerning the process in matrimonial causes, must also be observed in cases concerning the sacred order, with appropriate adaptations.

CAN. 1996. The defender of the bond of the sacred order enjoys the same rights and is subject to the same duties as the defender of the bond of matrimony.

CAN. 1997. Although the action is instituted not concerning the nullity of the sacred order itself, but only concerning the obligations arising from it, nevertheless, the cleric must, as a precaution, be prohibited from exercising the orders.

CAN. 1998. § 1. In order for a cleric to be freed from the obligations that arise from the bond of ordination, two concurring judgments are required.

§ 2. With regard to appeals, the prescriptions in canons 1986-1989 con-

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cerning matrimonial causes are to be observed in these cases.

[*Latin ed. p. 379*]

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PART SECOND

ON THE CAUSES FOR THE BEATIFICATION OF SERVANTS OF GOD AND THE CANONIZATION OF THE BLESSED

CANON 1999. § 1. Causes for the beatification of Servants of God and the canonization of the Blessed are reserved to the judgment of the Holy See.

§ 2. According to canon 253, § 3, the Congregation for the Causes of Saints is competent in these causes.

§ 3. Local Ordinaries, by their own right, can only perform those things which are expressly demanded of them in the canons that follow.

CANON 2000. § 1. Causes of this kind can proceed in two ways: either through the ordinary process, unless extraordinary cases are excepted, or through the extraordinary process.

§ 2. The ordinary process is followed when, before proceeding to the discussion of virtues, it is intended to prove that no public cult was given to the Servant of God, or, if it was given at some time, that it has been removed; the extraordinary process, on the other hand, is followed when it is intended to prove that a Servant of God is enjoying public and ecclesiastical cult.

CANON 2001. § 1. Causes of martyrs, whether they proceed through the ordinary process or the extraordinary process, are not to be combined, but each must be treated separately, unless it is a matter of martyrs who suffered in the same persecution and in the same place.

§ 2. This must also extend to the distinct processes and discussions which are prescribed in these causes, from the introduction of the cause to its end.

CANON 2002. In the canons that follow, by the term "Ordinary," the Vicar General is not to be understood, unless he has a special mandate.

TITLE XXII.

On certain persons "who are involved in these processes."

CHAPTER I.

On the Actor and the Postulator.

CANON 2003. § 1. Any faithful person, or a legitimate group of the Christian faithful, has the right to request that a cause be instituted before

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the competent tribunal.

§ 2. If the petition is admitted by a legitimate and competent ecclesiastical authority,

[*Latin ed. p. 380*]

380. The Code of Canon Law having been enacted, the petitioner thereby possesses the right to legitimately promote and bring the cause to its conclusion. § 3. The Ordinary of the place may, either by virtue of his office or at the request of others, conduct the cause of beatification. CAN. 2004. § 1. The promoter may act either personally or through a legitimately appointed procurator; women may only act through a procurator. § 2. He who conducts the cause before the competent tribunal is called the postulator. § 3. The postulator, whether acting in his own name or in the name of another, must be a priest, either secular or religious, having a fixed residence in the City [Romano]. CAN. 2005. Individual postulators are appointed for each cause; only the postulator of the cause has the right to substitute others for himself by a legitimate mandate, who are called vice-postulators. CAN. 2006. § 1. Both the postulator and the vice-postulators, if acting by mandate, must present the mandate to the tribunal before they are admitted to exercise their office. § 2. The postulator's mandate must be drawn up according to canon 1659, and it shall not be considered legitimate unless it has been approved by the Sacred Congregation and recorded in its acts; the mandate of the vice-postulators, however, must be recognized and admitted by the tribunal in which they exercise their office. CAN. 2007. The duties of the postulator include: 1.° Conducting the cause before the competent judges; 2.° Incurring the necessary expenses; but the money collected from the faithful for the expenses of the cause must be administered according to the instructions of the Apostolic See; 3.° Presenting the names of witnesses and documents to the tribunal; 4.° Preparing and presenting to the promoter of the faith the articles upon which the witnesses must be questioned in the process. CAN. 2008. The postulator's mandate, if the postulator acts in the name of another, terminates under the same circumstances as those under which the mandate of other procurators is terminated, according to the law. CHAPTER II. Concerning the Cardinal Relator, Promoters of the Faith, and Sub-promoters. CAN. 2009. § 1. In causes which are conducted before the Sacred Congregation, a Cardinal, one of the Fathers assigned to that Congregation, designated by the Supreme Pontiff, acts as the relator, that is, the one who presents the matter.

[*Latin ed. p. 381*]

Book Four - Concerning Procedures 381 § 2. It is his duty to devote particular attention to the cause entrusted to him, and in the plenary or ordinary congregation, to report all that appears to favor the cause or to oppose it. CAN. 2010. § 1. In order to safeguard the right in any procedure,

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a Promoter of the Faith must participate, who must always be summoned according to the norm of canon 1587. § 2. The Promoter of the Faith before the Sacred Congregation is called the General Promoter of the Faith, and the Assessor of the Sacred Congregation who assists him is called the Sub-Promoter General of the Faith. CAN. 2011. § 1. A Promoter of the Faith can be established outside the Sacred Congregation, either for all causes or for a particular cause. § 2. The General Promoter of the Faith and the Sub-General Promoter of the Faith are chosen by the Roman Pontiff; the Promoter of the Faith before the tribunal of the Ordinary, if the matter concerns an apostolic process, is appointed by the General Promoter and then bears the title of sub-promoter; otherwise, he is appointed by the Ordinary before the edict, as mentioned in canon 2043. CAN. 2012. § 1. It is the duty of the Promoter of the Faith to prepare sober, purely historical questions, which do not aim to elicit a particular response from the person being questioned, and which are suitable for discovering the truth, even concerning the points proposed by the accuser, and to present these to the judges under the obligation of secrecy. § 2. Furthermore, it is the duty of the same promoter to insist that witnesses be summoned by order of the court, and to promote appropriate objections; but the judge can summon witnesses, even without the insistence or consent of the Promoter of the Faith, but always after notifying him. CHAPTER III. Concerning the Notary, the Secretary, and the Advocates. CAN. 2013. § 1. A notary or registrar must assist in procedures, whether they are apostolic or are conducted by the Ordinary of the place according to his own law. § 2. The notary before the Sacred Congregation must be chosen from among the Protonotaries. CAN. 2014. Religious are not validly able to perform the office of notary, except out of necessity; moreover, they are always excluded in causes pertaining to their own religious order. CAN. 2015. In procedures conducted by the Ordinary of the place outside the City, the notary of the Curia itself can perform the office of notary; in the City, the Protonotary of the Sacred Congregation performs the office of notary, and in his absence, the notary of the Vicariate of the City.

[*Latin ed. p. 382*]

382. Codex Iuris CAN. Canonici 2016. A notary may be given an assistant, or, as they say, an adjunct, who will provide him with assistance in comparing transcripts with original documents, and in copying exemplars from documents preserved in libraries, archives, etc. CAN. 2017. The notary adjunct and the chancellor of the Sacred Congregation must be priests, of unimpeachable reputation, and of greater age than any exception; furthermore, the chancellor must possess a doctorate in Canon Law. CAN. 2018. Advocates and procurators in causes of beatification and canonization before the Sacred Congregation must possess a doctorate in Canon Law and at least a license in sacred theology, and they must complete an

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internship with one of the advocates of the same Sacred Congregation, or with the Reverend Sub-promotor General; for advocates, furthermore, a legitimate title as a registered advocate is required. TITLE XXIII. Concerning the proofs to be used in these processes. CHAPTER I. Concerning proofs in general. CAN. 2019. In these causes, proofs must be entirely complete; and no others are to be admitted, except those derived from witnesses and from documents. CAN. 2020. § 1. To prove that the cult of a Servant of God has been rendered, at least four witnesses are necessary. § 2. To prove the fame of virtues, martyrdom, and miracles, at least eight witnesses are required, who may be singular in their singularity, as it were, in their testimony; furthermore, at least two witnesses must be summoned by official duty. § 3. To prove virtues or martyrdom, witnesses of sight and testimony are required: historical monuments can only provide support. § 4. If in the apostolic process there are witnesses from hearsay from those who saw, and in the informative process there are witnesses of sight, all of these can be joined in the line of proof. § 5. If, however, in the informative process there are witnesses of sight, and in the apostolic process only witnesses from hearsay, these have the force of support, more or less weighty according to the prudent judgment of the judges; and then only can one proceed to further matters, that is, to the discussion of miracles, because from

[*Latin ed. p. 383*]

Book Four - On Processes 383. The testimony of all these witnesses, when joined together, constitutes such proof as will establish credibility and authority for a prudent judge considering a serious matter.

§ 6. However, in ancient processes not conducted through the usual channels, in which reliable witnesses are lacking, either because they are absent or because the testimony is based on hearsay from those who witnessed the events, and in processes conducted through the *casus* method, virtues and miracles can be proven through witnesses who heard about them and through public reputation, which, as they say, establishes a tradition based on hearsay, and through contemporary documents or monuments recognized as authentic.

§ 7. Finally, miracles must always be proven by witnesses who saw them and by testimonies.

CAN. 2021. An immemorial cult is proven by authentic documents that precede the promulgation of the Urbanian Constitution, in the year 1634, by a period of one hundred years, or that were published during that century, provided that they refer to events that occurred at least one hundred years prior, together with an unbroken tradition of the people.

CAN. 2022. A cult that has been permitted for a very long time by the Apostolic See is proven by contemporary documents.

CHAPTER II. On Witnesses and Experts.

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CAN. 2023. In processes for beatification, all the Christian faithful, except as prescribed in canon 2027, § 2, n. 1, are bound, even if not summoned, to bring to the attention of the Church anything that they themselves have observed that seems to pertain to the virtues, or to miracles, or to martyrdom of the Servant of God.

CAN. 2024. Those who are to be summoned as witnesses are, above all, those who had familiarity or custom with the Servant of God, and they are to be summoned by the promoter of the cause, even if not introduced by the postulator.

CAN. 205. § 1. All those mentioned in canons 2023 and 2024, unless they already know that they have been summoned as witnesses, must give letters to their own Ordinary, in which they briefly state whether they had any familiarity with the Servant of God, whether they know of any particular fact that should be disclosed, and what that fact is; the Ordinary, in turn, must take care to transmit these letters to the promoter of the cause.

§ 2. Religious or religious women must send such letters, sealed, directly and immediately to the Ordinary or to the promoter of the cause, or they may hand them to their confessor, who will take care to present them to the Ordinary or to the promoter of the cause as soon as possible.

§ 3. Illiterate persons must explain the matter to the parish priest, who will refer it to the Ordinary or to the promoter of the cause.

[*Latin ed. p. 384*]

384 Codex Iuris Canonici, CAN. 2026. Superiors of religious orders are bound by a grave obligation to ensure that all those who are required to do so present themselves as witnesses; however, they must not directly or indirectly compel them to testify in favor of one opinion rather than another.

CAN. 2027. § 1. Consanguineous relatives, affine relatives, family members, and even heretics and non-believers are admitted as witnesses.

§ 2. The following are not admitted as witnesses: 1.° The confessor, according to canon 1757, § 3, n. 2; 2.° The postulator, advocate, or procurator in the cause, while performing their duties; however, if they have completely relinquished their duties, they may be admitted, but they can only provide assistance; 3.° Those who have at any time served as a judge in the cause.

CAN. 2028. § 1. Physicians, whether engaged in active practice or not, are to be called as witnesses when miracles are being considered.

§ 2. If they refuse to appear before the tribunal, the judge must ensure that a written and sworn statement regarding the illness and its course is prepared and included in the records, or that their opinion is received through an intermediary, to be subsequently examined.

CAN. 2029. Witnesses must give reasons based on their own knowledge

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for what they assert in their testimony; otherwise, their testimony is to be disregarded.

CAN. 2030. To prove the reputation of sanctity or martyrdom of the Servant of God who belonged to a religious order, at least half of the witnesses must be laypersons.

CAN. 2031. When the work of experts is necessary: 1.° There must be at least two experts, of whom one is unknown to the other, except as prescribed in n. 4; 2.° They are appointed by the tribunal by a majority vote, after hearing the promoter of the cause, or, if their services are required by the Sacred Congregation, by the Cardinal Prefect, after hearing the general promoter of the cause; however, those who have served as witnesses in the cause must always be excluded; 3.° The postulator must be informed of who has been designated as experts; and the experts themselves must keep their designation secret; 4.° Each expert must independently acquire expertise, unless, for a just reason, the judge, with the consent of the promoter of the cause, allows them to conduct the expertise together; 5.° Each expert must submit in writing a report of the expertise they have conducted; but they are then questioned separately, even if they have conducted the expertise together.

[*Latin ed. p. 385*]

Book Fourth - Concerning the Proceedings, CHAPTER 385 III. Concerning the documents to be included in the proceedings. CANON 2032. § 1. The documents upon which the petitioner relies must be presented in their entirety to the tribunal. § 2. However, the petitioner may also request that the tribunal obtain other documents which appear to contribute to the discovery of the truth. CANON 2033. § 1. Extrajudicial testimonies, whether recorded in writing or obtained from those whom the petitioner has caused to be questioned in the process concerning the virtues and martyrdom of the Servant of God, or from others whom the petitioner has proposed to be questioned, although presented in the proceedings, cannot be considered among the documents which have probative force in the judgment concerning the sanctity or martyrdom of the Servant of God. § 2. Neither funeral eulogies nor necrologies written or printed immediately after the death of the Servant of God constitute legitimate proof. § 3. Much less do testimonies of any men, however illustrious, concerning the virtues and works of the Servant of God, given not spontaneously, but at the request of friends, while he was still living, have any weight. CANON 2034. Those who present documents must declare their origin and authenticity. CANON 2035. § 1. Histories do not have the force of documents unless they are appended to documents presented in the process. § 2. If men of great authority have made use of these documents and have confirmed them, their testimony must be presented only to confirm the authenticity and authority of the documents. CANON 2036. § 1. Historical documents,

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whether handwritten or printed, with which the petitioner of the Servant of God intends to prove the antiquity of his virtues or the cult rendered to him, and its uninterrupted continuation, are to be included in the process and transmitted along with it to the Sacred Congregation, where they will be examined by experts. § 2. But if any of these are kept in a library or archive from which they cannot be removed, a written or photographic copy thereof shall be presented, along with a written testimony from the notary of the tribunal regarding its authenticity. § 3. If even this is not possible, the matter shall be referred to the Sacred Congregation, which shall appoint experts to examine them where they are kept. ACTA, vol. IX, Part II, 25.

[*Latin ed. p. 386*]

386. Codex Iuris Canonici, TITLE XXIV. Concerning the process of beatification of the Servants of God through the ordinary way. CANON 2037. § 1. Those persons who participate in the process, whether by the local Ordinaries according to their own right or by delegates of the Apostolic See, namely, the judges, the promoter of the faith and his assistants, the notary and his assistant, must, at the beginning of each process, according to a formula prescribed by the Sacred Congregation, take an oath to faithfully fulfill their duty, to maintain secrecy until the publication of the process, and not to accept gifts of any kind. § 2. The Ordinary, even if he does not act as a judge, is nevertheless obliged to take an oath to maintain secrecy. § 3. In addition to the oath regarding secrecy, the following must also take an oath, without exception or dispensation: witnesses, regarding the truth to be spoken, before they are questioned, and regarding the truth of what is said, after the questioning has been completed; experts, interpreters, revisers, and the scribe, regarding the proper fulfillment of their duty, before they perform their expertise, translation, revision, or transcription; and regarding the properly fulfilled duty, after the expertise, translation, transcription, or revision has been completed. Even the messenger must take an oath to faithfully perform his duty. § 4. "Postulators and vice-postulators must take an oath against calumny, that is, they must swear to speak the truth throughout the entire process and to use no deceit. § 5. With regard to the oath, the law of the Sacred Congregation itself is to be observed. CHAPTER I. Concerning processes conducted by the local Ordinary according to his own right. CANON 2038. § 1. To introduce the cause of beatification of a Servant of God, permission must first be obtained from the Apostolic See, and it must be established by law regarding the purity of doctrine in his writings, regarding his reputation for sanctity, virtues, and miracles, or martyrdom, regarding the absence of any obstacle that appears insurmountable; and then, regarding the fact that public veneration is not yet paid to him. § 2. Therefore, if the Ordinary considers the postulator's petition to be worthy of acceptance, he must, upon the postulator's request:

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1.° Examine the writings of the Servant of God; 2.° Conduct an informative process regarding his reputation for sanctity, virtues in general, or martyrdom, the cause of his martyrdom, and miracles; 3.° Conduct a process regarding the absence of public veneration.

[*Latin ed. p. 387*]

Book Second - Concerning Persons

CAN. 2039. § 1. It pertains to the Ordinary of the place in which the Servant of God passed away, or in which miracles occurred; however, he is not obliged to personally conduct the investigation if he is of the same lineage as the Servant of God.

§ 2. If an ancient process concerning the fame of sanctity or martyrdom was completed more than thirty years ago, but the cause, before obtaining legitimate introduction from the Apostolic See, was interrupted for any reason, it pertains to the same Ordinaries, or their successors, to conduct an informative process concerning the continuation of the fame of sanctity or martyrdom.

CAN. 2040. § 1. The tribunal must consist of a president, who is either the Ordinary himself, or a priest delegated by him for this purpose; in the latter case, there must also be two other judges chosen by the same Ordinary from among the synodal judges.

§ 2. The Ordinary, by decree, shall designate the president of the tribunal, or he may reserve this office for himself, or he may appoint a delegate along with two other judges; by the same decree, he shall also appoint a promoter of the faith and a notary.

CAN. 2041. § 1. The sessions of the tribunal, for the purpose of administering oaths and examining witnesses, should, as far as possible, be held during the day, at a time and in a place that is sacred.

§ 2. After each session, the acts of the cause must be closed and sealed with the seal of the judges, and not opened, except in the following session, after the judge has recognized the seal to be intact and unbroken; if the seal is not found to be intact and unbroken, the judge shall report the matter to the Sacred Congregation.

ARTICLE I. — Concerning the Investigation of the Writings of the Servant of God.

CAN. 2042. By the term "writings" are meant not only the unpublished works of the Servant of God, but also those that have already been printed; also sermons, letters, diaries, autobiographies, and whatever else he may have written, either by his own hand or by the hand of another.

CAN. 2043. § 1. The Ordinary shall, by a public edict in each parish, if possible, or by another suitable means, order that the writings of the Servant of God, if they exist with anyone, be brought to the tribunal, and he shall remind and urge that the prescriptions of canons 2023-2025 be

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observed.

§ 2. If the cause concerns a Servant of God belonging to a religious order, the edict must also be publicly posted in each house of the same religious order; and the Superiors are bound by a grave obligation to ensure that this publication is made, with express mention of the prescription of canon 2025, § 2, and that all those who have the writings submit them.

§ 3. It is the duty of the promoter of the faith to ensure that the edict is published.

[*Latin ed. p. 388*]

Book Fourth - Concerning the Proceedings in other places where there is hope that someone may be found who possesses a document.

CAN. 2044. § 1. The Ordinary shall diligently seek out the writings of the Servant of God, not only at the request of the postulator, but also by his own office.

§ 2. When writings are found in another diocese, the judge shall request the Ordinary of that diocese to seek them out according to the law, and to transmit them together with the proceedings.

CAN. 2045. § 1. If anyone among the possessors wishes to retain an autographed copy, the notary shall take care to prepare an authentic apograph of it, to be transmitted to the Sacred Congregation together with the proceedings.

§ 2. With regard to writings kept in a library or archive, the prescription of canon 2036 shall be followed.

CAN. 2046. The notary shall diligently describe both the number and the quality of the writings, and all the acts of the search for them; these acts must also be signed by the Ordinary or his delegate and the promoter of the faith, and be sealed with the seal of the Ordinary.

CAN. 2047. § 1. The postulator shall take an oath before the Ordinary to diligently carry out the search for the writings, and afterwards, to have diligently completed it.

§ 2. If the case concerns a Servant of God who belonged to a religious order, the Superior General of the order or the abbess of the monastery shall also take an oath to have diligently carried out the search for the writings, to have delivered all the writings that the Servant of God possessed, and that it is not known to her that any of her subjects or other persons still retain any of the writings of the same Servant of God.

CAN. 2048. If the case concerns the cause of a martyr, the search for the writings can also be carried out after the signed commission for the introduction of the cause has been presented to the Sacred Congregation, according to the instructions given on the matter by the General Promoter of the Faith.

ART. II. — Concerning the informative process.

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CAN. 2049. The informative process is conducted by the Ordinaries; and if it has not been initiated within thirty years of the death of the Servant of God, in order to proceed further, it must be proven that there has been no fraud or deceit, or culpable negligence in the case.

CAN. 2050. § 1. In the examination of witnesses concerning the reputation of sanctity, martyrdom, and miracles, the prescriptions of canons 2019 and 2020 shall be observed.

[*Latin ed. p. 389*]

Book Four, On Procedures, 389, § 2. It is not necessary that there be proof in specific detail concerning virtues, martyrdom, or miracles, but it suffices that the reputation be proven in general terms, spontaneously, not procured by human artifice or diligence, arising from honest and serious individuals, continuous, increasing daily, and flourishing at the present time among the majority of the people.

§ 3. With the aforementioned general principles in mind, and in accordance with canon 1774, the judge first proposes to the witnesses what has come to their knowledge concerning the life, virtues, miracles, or martyrdom of the Servant of God, and how they know these things, and whether they know that there is a public reputation concerning them, and then they are questioned regarding the interrogatories prepared by the promoter of the cause, and regarding the articles presented by the postulator.

CANON 2051. The informative process cannot be concluded until the promoter of the cause has examined all the letters submitted to him, as mentioned in canon 2025, and it has been established that those mentioned in canons 2023-2025 have been examined.

CANON 2052. When the tribunal has judged that all the evidence has been collected, whether through the examination of witnesses or through the presentation of documents, and that all the writings of the Servant of God that could be obtained are in the record, after hearing the promoter of the cause, the tribunal warns the postulator to present, within a certain period of time, any other material he may have; after which time has elapsed, the process is concluded.

CANON 2053. At the command of the judge, and without objection from the promoter of the cause, the notary publishes the process; and the transcript, to be designated by the tribunal, shall be delivered.

CANON 2054. A copy of the process, or, as they say, a transcript, shall be made by hand, just as the original record.

CANON 2055. After the transcript has been completed, it shall be compared with the original by the notary and his assistant, in the presence of one of the judges and the promoter of the cause; and after this comparison has been completed, in order to prove the authenticity of the transcript, the notary, the judge, and the promoter of the cause shall affix their signatures

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and seals to the transcript.

CANON 2056. § 1. After the comparison has been completed, the original is sealed and secured in the archive of the Curia, to be carefully preserved and never opened without the permission of the Apostolic See.

§ 2. The transcript, however, is sealed with the seal of the Ordinary, and regarding this matter, the notary prepares an instrument in duplicate, one copy to be sent to Rome, and the other to be kept in the archive of the Curia.

[*Latin ed. p. 390*]

390 Codex Iuris Canonici, PART III. – Concerning the process regarding the absence of cult. CAN. 2057. The tribunal, besides the witnesses presented by the accuser, shall summon two others by order of the court, and shall question all of them whether public cult has ever been rendered to the Servant of God. CAN. 2058. Furthermore, the tribunal shall also examine carefully the tomb of the Servant of God, the room in which he lived or died, and if there are any other places where signs of cult might reasonably be suspected to exist. CAN. 2059. If, during the course of the process, any indications of cult having been rendered to the Servant of God are found, it shall be the duty of the promoter of the faith to insist that further investigation be carried out in this matter. CAN. 2060. The tribunal must define in its judgment whether cult has been rendered to the Servant of God, or not. PART IV. – Concerning the transmission of the process of the writings of the Servant of God, the informative process, and the process regarding the absence of cult, to the Sacred Congregation. CAN. 2061. As soon as the Ordinary has completed the examination of the writings, he shall send them to Rome, together with a transcript of the proceedings, that is, with a legal report of the diligences used in examining the writings. CAN. 2062. If, after the examination of the writings of the Servant of God, other matters are discovered in the course of the cause, they must be immediately transmitted to the Sacred Congregation, and no further proceedings can be taken, unless they have first been reviewed. CAN. 2063. § 1. The Ordinary shall deliver the transcript of the informative process to the accuser, to be transmitted to the Sacred Congregation. § 2. Together with the transcript, he shall also send letters, both to the judge to the Sacred Congregation, and to the promoter of the faith to the General Promoter of the Faith, so that the Sacred Congregation may be informed both of the faith of the witnesses and of all acts lawfully completed. § 3. The Ordinary shall also transmit a description of the form of the seal with which the transcript was signed, or a specimen of the same seal. CAN. 2064. Furthermore, the Ordinary shall transmit the completed process regarding the absence of cult to the Sacred Congregation through the accuser.

[*Latin ed. p. 391*]

Book Second - Concerning Persons, CHAPTER 391 II. Concerning the

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introduction of the cause into the Sacred Congregation. ARTICLE I. — Concerning the examination of writings. CANON 2065. As soon as the writings of the Servant of God have been transmitted to Rome, they must indeed be subjected to examination; but the Sacred Congregation ought suitably to investigate whether, besides those presented, other writings of the Servant of God also exist, whether kept by private individuals or recorded in public archives. CANON 2066. § 1. Examiners of writings are appointed in each cause by the Cardinal Prefect, after hearing the Promotor General of the Faith; and their names are kept secret. § 2. Priests are assigned to this office who have at least a doctorate in theology, or, if they are religious, an equivalent title. CANON 2067. § 1. The writings of the Servant of God are delivered by the secretary to the examiners assigned to this office, so that the examination of each writing is made by two examiners, of whom one is unknown to the other. § 2. It causes no impediment, if the number of writings of the Servant of God is very large, that they be divided into several parts, each of which is delivered to distinct examiners. CANON 2068. § 1. The judgment of the examiners must concern whether anything is found in the writings that is contrary to the faith and good morals, and it must teach, in a general way, what kind of character, what habits of virtues, or what defects appear from the writings to have been proper to the Servant of God. § 2. The examiners shall express this judgment in writing, supported by arguments and reasons. CANON 2069. If, at any time, the judgments of the examiners differ, a third examiner shall be appointed, according to canon 2066, who shall perform his office in the same manner. CANON 2070. The Promotor General of the Faith shall propose to the Cardinals Fathers for discussion any objections that he may have, derived from the writings of the Servant of God and from the judgment of the examiners. CANON 2071. If it has been certainly demonstrated that something in the writings of the Servant of God is not entirely in conformity with the faith, or if anything is found that could be offensive to the faithful at the present time, the Roman Pontiff, after hearing the Cardinals Fathers.

[*Latin ed. p. 392*]

The Code of Canon Law, considering the vow and all the circumstances of the case, decides whether it is possible to proceed further. CAN. 2072. The favorable judgment of the Roman Pontiff does not entail the approval of the writings, nor does it prevent the Promoter General of the Faith and the consultants from proposing objections drawn from the writings of the Servant of God in the discussion. ART. II. – Concerning the discussion of the informative process. CAN. 2073. After the informative process has been completed by the Ordinary and transmitted to Rome, and after the integrity of the seals has been recognized by the Protonotary of the Sacred Congregation, if nothing obstructs, and with the special decree of the Roman Pontiff, it shall be opened before the Cardinal Prefect of the Sacred Congregation,

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who shall entrust it to the secretary for transcription. CAN. 2074. The Cardinal Prefect shall ensure that, if necessary, a verified translation of the process in the City is made by an interpreter, which shall then be submitted to the examination of the revisor. CAN. 2075. The transcript of the process sent by the Ordinary shall be kept in the archive of the Sacred Congregation; and a copy of it shall be delivered to the promoter, as prescribed by law. CAN. 2076. § 1. The advocates and procurators shall prepare a summary of the transcript, or, if there are several transcripts, a summary of all of them, and shall attach to the summary the information that is appended to the summary. § 2. The summary must include the affirmation of the Sub-promoter General of the Faith that the summary itself agrees with the acts presented to the Sacred Congregation. CAN. 2077. Letters of request, in which more distinguished persons, whether in ecclesiastical or civil dignity, or moral persons, request the Supreme Pontiff to put his hand to the cause of beatification of some Servant of God, are usefully presented, provided that they are given spontaneously and from their own knowledge. CAN. 2078. If, after considering the writings, it is decreed that it is possible to proceed further, the Promoter General of the Faith shall set forth his objections against the introduction of the cause, to which the advocate of the cause shall respond.

[*Latin ed. p. 393*]

Book Second - Concerning Persons

CAN. 2079. § 1. The Promoter of the Faith shall, before introducing the cause, present a sober and clear summary, which shall exhibit the life of the Servant of God.

§ 2. In preparing this summary, he shall make use not only of the documents mentioned in the summary, but also of any other documents that may be appropriately consulted.

CAN. 2080. Objections and responses shall be set forth briefly and clearly, in a manner almost scholastic, according to the ancient customs of the Sacred Congregation.

CAN. 2081. Oral testimonies are prohibited not only before the judges, but also before all those who are to give their vote, both in this judgment and in others that will follow.

CAN. 2082. The judgment concerning the value of the informative process, made by the Ordinary, concerning the reputation of sanctity or martyrdom, and concerning the absence of any insurmountable obstacle, is pronounced by the Cardinals in the ordinary meetings, the Cardinal Prefect presiding, and he proposes the question: whether a commission should be appointed to introduce the cause in this case and to the effect of what is being considered.

CAN. 2083. § 1. If the judgment of the Cardinals is favorable, it is pro-

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posed to the Most Holy Father that he may, if he wishes, appoint the commission to introduce the cause.

§ 2. If the Most Holy Father appoints the commission, the Secretary of the Sacred Congregation shall draw up a decree concerning this matter and make it publicly known.

CAN. 2084. § 1. After the decree for the introduction of the cause has been issued, the Ordinary can do nothing further concerning it without the express permission of the Sacred Congregation.

§ 2. It is forbidden to adorn the Servant of God, whose cause has only been introduced, with the venerable title; and let those who propose the cause take care not to do anything in honor of the Servant of God on the occasion of the introduction of the cause, which might suggest public worship.

ARTICLE III. - Concerning the discussion of the process regarding non-cult.

CAN. 2085. After the commission for the introduction of the cause has been appointed, it is to be discussed by the Cardinals in the particular ordinary meetings whether the sentence of non-cult pronounced by the Ordinary should be confirmed. If the Cardinals decide that cult has been rendered, then, at the discretion of the same Cardinals, taking all circumstances into consideration, the cause shall be suspended until all signs of forbidden cult have been removed, and this obedience shall be given for a certain time, to be determined by the Cardinals themselves.

[*Latin ed. p. 394*]

Codea) Canon 394 of the Canon Law, Canon 2086. § 1. If the Ordinary has not completed the process concerning non-cult before the introduction of the cause, the authority of the Apostolic See is required to proceed with that process. § 2. For this purpose, the General Promoter of the Faith shall prepare an inquiry, which, together with the referral letters, concerning which see canon 2087 and following, are issued by the Sacred Congregation, shall be sent to the judges designated by that same Congregation. § 3. When it concerns martyrs, in whose case the Ordinary has omitted to instruct a process concerning non-cult before the introduction of the cause, to the referral letters for completing the process concerning martyrdom and the cause of martyrdom, a commission shall be added for collecting evidence concerning non-cult, together with special inquiries proposed by the General Promoter of the Faith. CHAPTER III. Concerning Apostolic Processes. ARTICLE I. — Concerning the Apostolic Process to be instituted. Canon 2087. § 1. After the publication of the decree concerning non-cult, referral letters shall be obtained from the Supreme Pontiff and issued by the Cardinal Prefect, which are called, to institute the apostolic process, whether concerning the fame of sanctity, miracles, or martyrdom,

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or concerning virtues and miracles in specie, or concerning martyrdom and its cause. § 2. These two processes shall be conducted separately; but the first may be omitted, if it does not appear to the Cardinal Prefect and the General Promoter of the Faith necessary or opportune to inquire again concerning the continuation of the fame. § 3. If the commission has been appointed and the decree concerning non-cult has not yet been published, if there is danger that certain knowledgeable witnesses may die prematurely, referral letters shall be granted immediately to institute the apostolic process concerning virtues and miracles in specie, or concerning martyrdom and its cause, so that evidence may not be lost. Canon 2088. § 1. Referral letters shall be given to at least five judges, constituted in ecclesiastical dignity, if it can be done. § 2. If the Ordinary is co-opted among the judges, he shall preside; otherwise, a president shall be designated by the Sacred Congregation; but it is desirable that at least the president should not be the same one who presided in the introductory process. § 3. If it concerns a process concerning miracles, at least one expert shall also be appointed, who shall attend the sessions of the tribunal and may ask the judge to propose necessary questions to the witnesses in order to obtain greater clarity of words and things.

[*Latin ed. p. 395*]

Book Four - Concerning Procedures 395. Canon 2089. To the letters of referral, the particular letters of the General Promoter of the Faith shall be added, by which he designates two sub-promoters who shall assist in the process in his name.

Canon 2090. Interrogatories shall be prepared by the General Promoter of the Faith concerning the objections raised in the introduction of the cause, and concerning the testimonies received in the investigative process, according to Canon 2050, and also concerning extrajudicial information which he deems necessary to obtain, using also the assistance of an expert, if the matter pertains to miracles.

Canon 2091. § 1. The letters of referral shall be delivered to the postulator of the cause, who shall take care to transmit them to the delegated president of the tribunal.

§ 2. At the same time, they shall be sent to one of the sub-promoters, sealed and not to be opened except during the examination, concerning which the witnesses who are to be questioned shall be interrogated.

Canon 2092. The delegated judges, before beginning to perform their duties, shall show the letters of delegation to the Ordinary, who must provide them with the assistance of his authority.

Canon 2093. § 1. Upon receiving the letters of referral, the president of the tribunal shall take care to convene the tribunal as soon as possible, and shall never postpone this convocation for more than three months, unless

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a just impediment intervenes, of which, however, he shall not fail to inform the Sacred Congregation within the same time.

§ 2. In the very first session, the tribunal shall elect a notary, his assistant, an expert, if the case requires it, and a prosecutor, and the notary of the Curia shall attest to such election.

Canon 2094. Although all those to whom the letters of referral have been given may be present at each session of the apostolic process, it is sufficient for validity that the president, along with two judges, or, with his consent and in his absence, three other judges, and also one of the sub-promoters of the Faith, the notary, or his assistant, are present.

Canon 2095. The process must be completed within at least two years, calculated from the date of the opening of the letters; after the expiration of this two-year period, if the process cannot be continued without the permission of the Apostolic See, the Sacred Congregation shall be notified of the impediments for which the apostolic mandate has not been brought to completion.

Canon 2096. Before the apostolic process concerning the virtues in a particular case is completed, the tribunal shall make a legal examination of the remains of the Servant of God, according to the prescriptions of the letters of referral.

[*Latin ed. p. 396*]

396. *Codex Iuris Canonici*, CAN. 2097. § 1. In transcriptione, collatione et transmissione ad Romam exemplaris actorum originalium, observantur ea quae supra, in can. 2054, 2055, 2063, pro processo informativo, praescripta sunt. § 2. Processus exhibeatur, aperiatur et transcribatur apud Sacram Congregationem ad normam can. 2073-2075.

ARTICULUS II. — De iudicanda validitate processus apostolici.

CAN. 2098. Processu apostolico ad Sacram Congregationem remisso, in primis de eiusdem processus validitate constare debet; simulque ad examen revocetur validitas processus informativi.

CAN. 2099. Quare, ante disceptationem, praeparetur a causae advocato positio, quae constet: 1.° Informatione qua, productis documentis ad rem necessariis in processu contentis, omnia in eo ad normam iuris peracta fuisse demonstretur; 2.° Animadversionibus Promotoris generalis fidei contra validitatem, cum responsionibus advocati, utrisque ad normam can. 2080 exaratis.

CAN. 2100. § 1. Pro diiudicanda validitate processus habeatur congregatio, praesentibus Cardinali Sacrae Congregationis Praefecto, Cardinali Ponente et aliis tribus eiusdem Sacrae Congregationis Cardinalibus ab ipso Romano Pontifice electis, necnon Secretario, Protonotario Apostolico, Promotore generali fidei et Sub-promotore.

§ 2. In congregatione, referente Cardinali Ponente, praelati supradicti

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suum votum proferunt; et Promotor generalis fidei obiectiones, si quas habet, proponit.

§ 3. His omnibus discussis, Patres Cardinales iudicium ferant; quod si fuerit favorabile et a Summo Pontifice confirmatum, decretum de processus validitate fiat.

ARTICULUS III. — De iudicio super heroicitate virtutum in specie vel super martyrio eiusque causa.

CAN. 2101. Disceptatio virtutum non ante quinquaginta annos a morte Servi Dei inchoanda est.

CAN. 2102. Tribus congregationibus disceptatur de Servi Dei virtutum heroicitate vel de eius martyrio eiusque causa; scilicet in antepraeparatoria, praeparatoria et generali.

[*Latin ed. p. 397*]

Book Fourth • Concerning the Proceedings

CAN. 397 2103. § 1. Prelates and consultants, in every congregation, express their votes in writing.

§ 2. After all prelates and consultants have expressed their votes, both in the preparatory congregation and in the main congregation, each one may again declare, before the congregation is dismissed, that he withdraws from the vote already given.

§ 3. The conclusions of each vote shall be recorded in writing by the Secretary and kept secret; these written votes shall then be handed over to the Promoter of the Faith.

CAN. 2104. In the causes of servants of God, the following must be examined: whether it is established that the theological virtues of Faith, Hope, and Charity, both towards God and towards neighbor, as well as the cardinal virtues of Prudence, Justice, Temperance, and Fortitude, and their associated virtues, were present in heroic degree, in the case and with the effect under consideration; in the causes of martyrs, whether it is established that there was martyrdom and its cause, and the signs or miracles, in the case and with the effect under consideration.

CAN. 2105. The preparatory congregation is held before the Cardinal Prefect, together with the official prelates and consultants.

CAN. 2106. For the preparatory congregation, a document is prepared which consists of:

1.° A summary taken from the original proceedings, which is prepared in such a way that complete testimonies and documents are presented;

2.° Arguments in writing, in which the life and heroic virtues of the Servant of God, or his martyrdom and its cause, are briefly illustrated, with a clear and thorough distinction between those things which are presented as arguments for proof, and those which are presented rather as support

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and aid to proof;

3.° A synopsis by the Promoter of the Faith, as mentioned in canon 2079;

4.° Observations by the Promoter of the Faith and the responses of the advocate;

5.° The testimonies which have been written about the Servant of God by the witnesses.

CAN. 2107. The preparatory congregation shall not proceed to the main congregation if two out of three of those present have expressed a negative vote, unless, after the matter has been reported to the Roman Pontiff by the Cardinal Prefect, he has decided otherwise.

CAN. 2108. The main congregation is held by all the Cardinals of the Sacred Congregation, with the official prelates and consultants present.

[*Latin ed. p. 398*]

398 Code of Canon Law, CAN. 2109. The position for the preparatory congregation is presented: 1.° Regarding the difficulties of the Promoter of the Faith; 2.° Regarding the difficulties which have been proposed by the consultants in their votes, if they do not appear to be unworthy of consideration by the Promoter of the Faith; 3.° Regarding the responses of the advocate; 4.° Regarding documents recently discovered, either for or against the cause, along with additional summaries, either for refutation or for defense.

CAN. 2110. § 1. In the preparatory congregation, the Cardinals, having heard the consultants, decide whether it is possible to proceed further. § 2. The Secretary and the Promoter of the Faith, even if not requested, are always permitted to speak, so that the matter may be made more clear and the facts illuminated.

CAN. 2111. After the discussion, the matter is presented to the Supreme Pontiff by the Cardinal Prefect, who informs the Most Holy Father not only of the outcome of the discussion, but also of the principal reasons which have been brought forth.

CAN. 2112. The general congregation is held before the Most Holy Father, with the attendance of the Cardinals of the Sacred Congregation, the official prelates, and the consultants.

CAN. 2113. For the general congregation, the most recent position is prepared, according to the norm of can. 2109, to which must be added a brief report, prepared by office, of all that has been done in the cause up to that point, namely, the concordant facts.

CAN. 2114. In the general congregation, the judgment as to whether the virtues of the Servant of God are heroic, or whether he is a martyr, is reserved to the Supreme Pontiff; the consultants, the official prelates, and the Cardinals, however, give only a consultative opinion.

CAN. 2115. § 1. At the command of the Most Holy Father, the Secretary

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of the Sacred Congregation draws up a decree, by which, in the name of the Supreme Pontiff, it is authentically declared that all the virtues of the Servant of God, or his martyrdom, have been sufficiently proven to be of heroic degree: this decree is to be published at the time and in the manner prescribed by the Most Holy Father.

§ 2. After this decree has been published, the Servant of God may be called venerable; however, this title does not imply any permission for public cult.

[*Latin ed. p. 399*]

Book Second - Concerning Persons

ARTICLE IV. — Concerning the examination of the miracles of the Servant of God.

CANON 2116. § 1. Besides heroic virtue or martyrdom, miracles wrought through his intercession are required for the beatification of the Servant of God.

§ 2. However, if the matter pertains to martyrdom, and it is clearly established that martyrdom occurred, and the material and formal aspects of the martyrdom are evident, but miracles are lacking, it is for the Sacred Congregation to decide whether the signs in the case are sufficient, and, if they are lacking, whether to petition the Most Holy Father for a dispensation from the signs in the case.

CANON 2117. For the beatification of the Servants of God, only two miracles are required, if eyewitnesses in both the informative and the apostolic processes have provided proof of the virtues, or if witnesses, in the apostolic process, have testified at least on the basis of hearsay from those who witnessed the events; three are required, if eyewitnesses were present in the informative process and hearsay witnesses were present in the apostolic process; four are required, if in both processes, the virtues are established solely through the testimony of tradition and through documents.

CANON 2118. § 1. At the beginning of the discussion, two experts are to be appointed by office to examine the miracles; and if both are in agreement in rejecting the miracle, further proceedings should not be undertaken.

§ 2. Since, most frequently, in the discussion of miracles, the matter concerns the healing from some disease, the experts should be more renowned in medicine or surgery; indeed, if possible, those should be chosen who possess singular expertise in diagnosing and treating the diseases concerning which the miracle in question is discussed.

CANON 2119. The opinions of the experts, briefly but clearly written and supported by reasons, must contain these two points: 1.° Whether, if the matter concerns a healing, the person who is said to have received it should truly be considered healed; 2.° Whether the event, as the proposed miracle, can be explained by the laws of nature, or not.

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CANON 2120. The miracles are to be discussed in three congregations in exactly the same manner as is established above for heroic virtue; furthermore, in one and the same congregation, except for the general congregation before the Most Holy Father, no more than two miracles shall be presented for discussion.

CANON 2121. The position for the preparatory congregation must consist of: 1.° An information written by the advocate; 2.° A summary of the testimonies of the witnesses.

[*Latin ed. p. 400*]

Codex Juris Canonici 400, 3.°: Duobus votis quae circa unumquodque miraculum pro veritate a peritis conscripta fuerint; 4.° Obiectionibus Promotoris generalis fidei; 5.° Responsionibus advocati.

CAN.-2122. § 1. Pro congregatione praeparatoria positio confletur quemadmodum in can. 2109 statutum est, addito voto peritorum ad normam § 2.

§ 2. Si in congregatione antepraeparatoria duo periti fuerint concordes in affirmando miraculo, tunc unus tantum pro congregatione praeparatoria designetur peritus; si unus tantum peritus pro miraculo steterit, tunc duo novi periti ex officio nominentur.

§ 3. Patribus Cardinalibus eiusdem Sacrae Congregationis semper ius esto plures, quam praescripti sunt, peritos designare, si hoc necessarium in casu iudicaverint.

§ 4. Licet causae advocato auxilium adhibere alicuius periti in suis responsionibus concinnandis, excluso voto, uti aiunt, ad opportunitatem.

CAN. 2123. Pro congregatione generali serventur praescripta can. 2113, 2114.

CAN. 2124. § 1. Post decretum approbationis miraculorum nova fieri debet coram Summo Pontifice disceptatio super dubio: An tuto procedi possit ad beatificationem Servi Dei.

§ 2. De hac, audita consultorum et Patrum Cardinalium sententia, Pontifex decernit, qui, cum voluerit, decretum hac de re conficiendum et promulgandum iubet.

TITULUS XXV. De processu beatificationis Servorum Dei per viam cultus* seu casus excepti.

CAN. 2125. § 1. Pro Servis Dei, qui post pontificatum Alexandri II et ante tempus a constitutione Urbaniana praefixum ex tolerantia cultum habuerunt, peti potest positiva approbatio Romani Pontificis.

§ 2. Ad hoc autem requiritur processus ad normam canonum qui sequuntur.

CAN. 2126. Ordinarius competens ad hunc processum instruendum est Ordinarius loci ubi cultus praestatur vel documenta cultus reperiuntur,

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salvo iure praeventionis si istiusmodi Ordinarii plures sint.

Translation:

Codex of Canon Law 400, 3.°: Two votes concerning the truth of each miracle must be recorded by experts; 4.° Objections of the General Promoter of the Faith; 5.° Responses of the advocate.

CAN.-2122. § 1. For the preparatory congregation, a report shall be prepared as prescribed in can. 2109, with the addition of the vote of the experts according to § 2.

§ 2. If in the preliminary congregation two experts are in agreement in affirming the miracle, then only one expert shall be designated for the preparatory congregation; if only one expert stands for the miracle, then two new experts shall be appointed by order.

§ 3. The Cardinals of the same Sacred Congregation always have the right to designate more experts than are prescribed, if they judge it necessary in the case.

§ 4. It is permissible for the advocate of the cause to seek the assistance of an expert in preparing his responses, excluding the vote, as they say, for the sake of opportunity.

CAN. 2123. For the general congregation, the prescriptions of canons 2113 and 2114 shall be observed.

CAN. 2124. § 1. After the decree of approval of the miracles, a new discussion must take place before the Supreme Pontiff concerning the doubt: Whether it is possible to proceed safely to the beatification of the Servant of God.

§ 2. Concerning this, after hearing the opinion of the consultants and the Cardinals, the Pope decides, and, if he wishes, orders a decree on this matter to be prepared and promulgated.

TITLE XXV. Concerning the process of beatification of the Servants of God through the way of cult* or exceptional cases.

CAN. 2125. § 1. For the Servants of God, who after the pontificate of Alexander II and before the time prescribed by the Constitution Urbaniana enjoyed a tolerated cult, a petition can be made for positive approval by the Roman Pontiff.

§ 2. However, this requires a process according to the canons that follow.

CAN. 2126. The Ordinary competent to instruct this process is the Ordinary of the place where the cult is celebrated or where the documents of the cult are found, unless the right of precedence exists if there are several such Ordinaries.

[*Latin ed. p. 401*]

Book Four - Concerning Processes 401. Canon 2127. In response to the requests of the petitioner, the Ordinary must: 1.° Investigate the writings of

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the Servant of God; 2.° Conduct a process concerning the reputation of the holy life, virtues, or martyrdom, and miracles, so that answers may be given to the following questions: whether there is a constant and common reputation and belief in the lands concerning the holy life of the Servant of God, or concerning his martyrdom and the cause of his martyrdom, as well as concerning miracles attributed to his intercession; whether, there, the cult of the Servant of God is presently observed, and with what observances the Servant of God is honored. Canon 2128. After all of these things have been transmitted to the Sacred Congregation, in accordance with canons 2061-2063, the question is posed to the assembled Cardinals for discussion, with the Cardinal Prefect presiding: Whether a commission should be appointed for the introduction of the cause in the ordinary congregation. Canon 2129. Once the commission is appointed, letters of referral are sent to those men designated by the Sacred Congregation, so that an apostolic process may be conducted concerning the case in question, and a judgment is rendered by the delegated judge. Canon 2130. The process must demonstrate both the beginning of the cult and its uninterrupted continuation up to the judgment of the delegated judge. Canon 2131. Once the process has been transmitted to the Sacred Congregation and opened, and after the cause's advocate has presented his position along with the observations of the Promoter of the Faith and the responses of the petitioner, the question is posed in the ordinary congregation: Whether the judgment of the delegated judge should be confirmed, or whether the case is so established that further proceedings can take place. Canon 2132. The confirmation of the judgment of the delegated judge by the Roman Pontiff has only this effect: to prove that an unforgettable cult has been rendered to the Servant of God and has continued up to the judgment. Canon 2133. If the judgment concerning the case is favorable and approved by the Supreme Pontiff, letters of referral are sent to complete the process concerning his virtues, or concerning his martyrdom and its cause, according to the nature of the cause; and the prescriptions of canons 2087-2115 are observed. Canon 2134. After a decree has been issued concerning the fact of the unforgettable cult, and concerning the heroic virtues, or concerning the martyrdom, the Servant of God is to be considered equivalent to a blessed.

[*Latin ed. p. 402*]

402. The Code of Canon Law provides that, if the confirmation of the cult of a person has been granted by a decree of the Roman Pontiff, the same may be conceded to those who are considered equivalent to the Blessed, the public acts of worship to which they are accustomed being formally bestowed upon them.

TITLE XXVI. Concerning the Canonization of the Blessed.

CAN. 2135. No one may request the canonization of another, nor may certain acts of worship be obtained in his honor from the Sacred Congrega-

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tion, unless it has first been established that the Servant of God in question has been formally or equivalently declared Blessed.

CAN. 2136. § 1. In order that the Sacred Congregation may ascertain whether a person has been formally or equivalently declared Blessed, an authentic document must be presented.

§ 2. If such a document is not available, a proper process must be instituted to prove that a positive permission for acts of worship has been granted by the Roman Pontiff.

§ 3. Upon completion of the process, a sentence for submission to the approval of the Roman Pontiff shall be issued in the ordinary congregation.

CAN. 2138. § 1. For the canonization of the Blessed who have been formally declared Blessed, the approval of two miracles is required, which have occurred after the formal beatification.

§ 2. For the canonization of the Blessed who have been equivalently declared Blessed, the approval of three miracles is required, which have occurred after the equivalent beatification.

CAN. 2139. § 1. When a miracle is said to have occurred through the intercession of a Blessed, the Sacred Congregation, at the request of the postulator, issues a decree, if it pleases the Most Holy, to resume the cause and to initiate new proceedings according to the norms set forth in the preceding canons.

§ 2. Once the validity of the proceedings has been established, the discussion of new miracles is governed by the same laws that are established above in canons 2116-2124.

CAN. 2140. After all of this, the Roman Pontiff, having heard the votes of the Cardinals and consultors, if and when he deems it opportune, issues a decree by which he declares that it is safe to proceed with the solemn canonization of the Blessed.

CAN. 2141. The solemn canonization of the Blessed, after it has been decreed in the Consistory, is performed with the rites and solemnities customary in the Roman Curia.

[*Latin ed. p. 403*]

Book Fourth - Concerning Procedures 403. THIRD PART: ON THE METHOD TO BE FOLLOWED IN CERTAIN PROCEEDINGS, AND ON THE APPLICATION OF PENAL SANCTIONS. CAN. 2142. In the proceedings mentioned below, a notary must always be used, who shall record in writing the acts, which must be signed by all and preserved in the archives. CAN. 2143. § 1. Whenever warnings are prescribed, these must be given either orally before the chancellor or another official of the Curia, or with two witnesses, or by letter according to canon 1719. § 2. A genuine document attesting the completion of the warning and its content must be kept in the records. § 3. He who prevents a warning from reaching him

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shall be considered to have been warned. CAN. 2144. § 1. The examiners and consultants, and the notary, must, from the beginning of the process, swear an oath to maintain secrecy concerning all that they know by reason of their office, and especially concerning hidden documents, discussions held in council, the number of votes, and the reasons for them. § 2. If they do not fully comply with this prescription, they must not only be removed from their office, but may also be subject to other appropriate penalties by the Ordinary, with due regard for the circumstances; and furthermore, they are obliged to compensate for any damages that may result therefrom. CAN. 2145. § 1. In these proceedings, summary procedures must be followed; but two or three witnesses, whether summoned by order of the court or introduced by the parties, are not prohibited from being heard, unless the Ordinary, after consulting with the pastors, consultants, or examiners, deems that they would cause undue delays. § 2. Witnesses and experts, unless they have taken an oath, shall not be admitted. CAN. 2146. § 1. Only one legal remedy is granted after the final decree, namely, an appeal to the Apostolic See. § 2. In this case, all the records of the process must be transmitted to the Holy See. § 3. While the appeal is pending, the Ordinary may not validly assign the parish or benefice from which the cleric has been deprived to another.

[*Latin ed. p. 404*]

404. Codex Iuris Canonici, TITLE XXVII. Concerning the Procedure for the Removal of Perpetual Rectors.

CANON 2147. § 1. A perpetual rector may be removed from his parish for a reason which renders his ministry harmful, or at least ineffective, even without grave personal fault.

§ 2. These reasons are especially the following:

1.° Lack of competence or a persistent infirmity of mind or body, which renders the rector unfit to properly perform his duties, if, in the judgment of the Ordinary, a suitable curate cannot be provided according to canon 475, to care for the souls of the parish.

2.° Hatred of the people, even if unjust and not universal, provided that it is of such a nature that it hinders the useful ministry of the rector, and is not likely to cease in the near future.

3.° Loss of a good reputation among honest and upright men, whether this arises from a frivolous way of life on the part of the rector, or from an old crime of his which, although recently discovered, is excused by the statute of limitations, or from the conduct of family members and relatives with whom the rector lives, unless adequate provision has been made to protect the rector's good reputation by their departure.

4.° A probable hidden crime imputed to the rector, from which the Ordinary prudently foresees that great offense to the faithful may arise in the

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future.

5.° Poor management of temporal affairs, resulting in serious damage to the church or benefice, whenever this evil cannot be remedied either by removing the rector from the administration, or in some other way, even though the rector may otherwise effectively exercise his spiritual ministry.

CANON 2148. § 1. Whenever, in the prudent judgment of the Ordinary, the rector appears to have fallen into one of the reasons mentioned in canon 2147, the Ordinary himself, after hearing two examiners and discussing the truth and gravity of the case with them, shall invite the rector, in writing or orally, to resign from the parish within a certain time, unless the rector is suffering from a mental disorder.

§ 2. The invitation, in order to be valid, must contain the reason which moves the Ordinary, and the arguments on which it is based.

CANON 2149. § 1. If the rector, within the allotted time, neither resigns nor requests a postponement, nor refutes the reasons invoked for his removal, the Ordinary, after it has been established that the invitation to resign has been duly made to the rector, and that the rector has not been legitimately prevented from responding, shall immediately remove him from the parish, without being subject to the prescription of canon 2154.

[*Latin ed. p. 405*]

Book Four - Concerning Proceedings 405 § 2. If it is not established regarding the two aforementioned conditions, the Ordinary shall suitably provide either by repeatedly inviting the priest to resign, or by extending the period allowed for responding. CAN. 2150. § 1. If the pastor of a parish resigns, the Ordinary shall declare the parish vacant by reason of the resignation. § 2. However, the pastor, in place of the reason invoked by the Ordinary, may present another reason for resigning that is less burdensome or less grave to him, provided that it is true and honest; for example, to comply with the desires of the Ordinary. § 3. Resignation may be made not only purely and simply, but also under a condition, provided that this can be legitimately accepted by the Ordinary and is indeed accepted, and in accordance with the firm prescription of canon 186. CAN. 2151. The pastor, if he wishes to contest the reason given in the invitation, may request a delay for presenting evidence, which the Ordinary may grant according to his prudent judgment, provided that it does not result in harm to souls. CAN. 2152. § 1. The reasons presented by the pastor against the invitation, in order for the Ordinary to act validly, shall be considered, after hearing the same examiners mentioned in canon 2148, § 1, and either approved or rejected. § 2. The decision, whether affirmative or negative, shall be communicated to the pastor by decree. CAN. 2153. § 1. Against the decree of removal, the pastor may file an appeal within ten days with the same Ordinary, who, in order not to act unjustly, must, after hearing two consulting pastors, examine, approve, or reject any new allegations presented by the

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same pastor within ten days from the filing of the appeal, together with the reasons previously given. § 2. The pastor may present witnesses according to canon 2145, § 1, whom he has proven he was unable to present initially. § 3. The decision shall be notified to the pastor by decree. CAN. 2154. § 1. After the pastor has been removed, the Ordinary, with the examiners or consulting pastors who participated in deciding the removal, and with the advice of others, shall, as far as possible, consider either a transfer to another parish, or an assignment to another office or benefice, if he is suitable for such things, or a pension, as the circumstances permit and the circumstances allow. § 2. All other things being equal, in the provision, preference should be given to the one who resigned rather than the one who was removed. CAN. 2155. The matter of a new provision for the removed pastor may be expedited by the Ordinary either in the very decree of removal, or afterwards, but as soon as possible.

[*Latin ed. p. 406*]

Codex Iuris Canonici 406 CAN. 2156. § 1. Sacerdos a paroecia amotus debet quamprimum liberam relinquere paroecialem domum, et omnia quae ad paroeciam pertinent novo parocho vel oeconomo ab Ordinario interim deputato tradere. § 2. Si autem de infirmo agatur qui e paroeciali domo sine incommodo nequit alio transferri, Ordinarius eidem relinquat eius usum etiam exclusivum, eadem necessitate durante. TITULUS XXVIII. De modo procedendi in remotione parochorum amovibilium. CAN. 2157. § 1. Parochus quoque amovibilis a sua paroecia amoveri potest ex iusta et gravi causa ad normam can. 2147. § 2. Ad parochos religiosos quod attinet, servetur praescriptum can. 454, § 5. CAN. 2158. Si Ordinarius aliquam ex his causis adesse existimaverit, parochum paterne moneat atque hortetur ut paroeciae renuntiet, causam indicans, quae paroeciale ipsius ministerium fidelibus noxium aut saltem inefficax reddit. CAN. 2159. Firmo praescripto can. 2149, si parochus renuat, rationes in scriptis reddat, quas Ordinarius, ut valide procedat, perpendere debet una cum duobus examinatoribus. CAN. 2160. Si, auditis examinatoribus, Ordinarius allatas rationes legitimas non iudicaverit, paternas iteret hortationes ad parochum, comminata amotione, si intra congruum definitum tempus paroeciam sponte non dimittat. CAN. 2161. § 1. Expleto praefinito tempore, quod pro sua prudentia prorogare potest, Ordinarius decretum amotionis emittat. § 2. Parocho autem renuntianti aut amoto providere tenetur ad normam can. 2154-2156. TITULUS XXIX. De modo procedendi in translatione parochorum. CAN. 2162. Si bonum animarum postulet ut parochus a sua, quam utiliter regit, ad aliam paroeciam transferatur, Ordinarius eidem translationem proponat ac suadeat ut eidem "pro Dei atque animarum amore consentiat." CAN. 2163. § 1. Parochum inamovibilem Ordinarius invitum

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transferre nequit, nisi speciales facultates a Sede Apostolica obtinuerit.

[*Latin ed. p. 407*]

Book Four - Concerning Procedures 407 § 2. A parish priest, however, can be transferred, even against his will, if the parish to which he is to be transferred is not excessively inferior in rank, provided that the prescriptions of the following canons are observed. CAN. 2164. If the parish priest does not comply with the counsel and persuasions of the Ordinary, he shall set forth the reasons in writing. CAN. 2165. The Ordinary, if, notwithstanding the reasons presented, he judges that it is not to be abandoned, in order that his action be valid, must hear two parish priests as consultants, and with them consider the circumstances pertaining both to the parish from which and to the parish to which the transfer is contemplated, and the reasons which suggest the utility or necessity of the transfer. CAN. 2166. If, after hearing the parish priests, the Ordinary deems the transfer to be carried out, he shall repeat paternal exhortations so that the parish priest may conform to the will of his Superior. CAN. 2167. § 1. After these things have been done, if the parish priest still refuses and the Ordinary still believes that the transfer must be made, he shall order the parish priest to present himself to the new parish within a certain time, signifying to him in writing that, after the prescribed time has elapsed, the parish which he currently holds will, by that very fact, become vacant. § 2. If this time is unprofitably passed, he shall declare the parish vacant. TITLE XXX. Concerning the Procedure to be Followed Against Non-Resident Clerics. CAN. 2168. § 1. The Ordinary shall warn a parish priest or other cleric who neglects the law of residence, by which he is bound to the benefit, and in the meantime, if it concerns a parish priest, he shall provide at his own expense so that the salvation of souls does not suffer detriment. § 2. In the warning, the Ordinary shall recall the penalties incurred by non-resident clerics, as well as the prescription of canon 188, n. 8, and shall inform the cleric that he must establish his residence within a reasonable time to be determined by the same Ordinary. CAN. 2169. If, within the prescribed time, the cleric neither establishes his residence nor gives reasons for his absence, the Ordinary, observing the prescription of canon 2149, shall declare the parish or other benefice vacant. CAN. 2170. If the cleric establishes his residence, the Ordinary must, if the absence was illegitimate, inflict upon him the deprivation of fruits for the time.

[*Latin ed. p. 408*]

408. The Code of Canon Law speaks of absence, as mentioned in canon 2381, but it can also, if the circumstances warrant, suitably punish him for the gravity of the fault.

CAN. 2171. If a cleric does not maintain residence, but alleges reasons for his absence, the Ordinary, after consulting two examiners and, if neces-

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sary, conducting appropriate investigations, must determine whether the reasons are legitimate.

CAN. 2172. If, after hearing the examiners, the Ordinary judges that the reasons presented are not legitimate, he must again give the cleric a term within which he must return, always subject to the deprivation of fruits for the time of his absence.

CAN. 2173. If a removable parish priest does not return within the prescribed time, the Ordinary may immediately proceed to the deprivation of the parish; if he returns, the Ordinary shall give him a warning not to leave again without his written permission, under penalty of incurring the deprivation of the parish by such an act.

CAN. 2174. § 1. If a cleric who holds an immovable benefice does not maintain residence, but alleges new reasons for his absence, the Ordinary shall have those reasons examined by the same examiners, according to the norm of canon 2171.

§ 2. If these are also not found to be legitimate, after considering any other reasons, the Ordinary shall order the cleric to return within a prescribed or repeatedly prescribed time, under penalty of incurring the deprivation of the benefice by such an act.

§ 3. If he does not return, the Ordinary shall declare him deprived of the benefice; if he returns, the Ordinary shall give him the same warning as mentioned in canon 2173.

CAN. 2175. In no case shall the Ordinary declare the benefice vacant, unless after having, together with the examiners, considered the reasons for the departure which the cleric has forcefully alleged, it has been established that the same Ordinary's permission in writing could have been requested by the same cleric.

TITLE XXXI. Concerning the procedure to be followed against clerics who are concubinaries.

CAN. 2176. The Ordinary shall warn a cleric who, contrary to the prescription of canon 133, keeps a suspected woman with him or in any way frequents her, to dismiss her or to abstain from frequenting her, under the penalties prescribed for clerics who are concubinaries in canon 2359.

[*Latin ed. p. 409*]

Book Fourth - Concerning Processes 409. Canon 2, 1, 7, 7. If a cleric neither obeys the command nor responds, the Ordinary, after having ascertained that this cleric could have complied, shall: 1.° Suspend him from divine offices; 2.° Furthermore, immediately deprive him of the parish; 3.° As for the cleric who holds another benefice without the care of souls, if, after a period of two months from the suspension, he has not reformed himself, he shall be deprived of half the fruits of the benefice; after another three months, of all the fruits of the benefice; after another three months, of

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the benefice itself. Canon 2, 1, 7, 8. If the cleric does not obey, but adduces reasons for excuse, the Ordinary must hear him with two examiners. Canon 2, 1, 7, 9. If, after hearing the examiners, the Ordinary deems the reasons presented to be not legitimate, he shall immediately inform the cleric and give him a formal command to obey within a brief time to be defined by him. Canon 2, 1, 8, 0. The Ordinary can immediately coerce a removable parish priest who disobeys, according to canon 2, 1, 7, 7; but if the matter concerns a cleric who, holding an immovable benefice, does not obey, but alleges new excuses, the Ordinary shall have those excuses examined according to canon 2, 1, 7, 8. Canon 2181. If even these are not judged to be legitimate, the Ordinary shall again command the cleric to obey the mandate within a reasonable time; if that time is unprofitably passed, he shall proceed according to canon 2, 1, 7, 7. TITLE XXXII. Concerning the procedure to be followed against a parish priest negligent in fulfilling his parochial duties. Canon 2, 1, 8, 2. The Bishop shall admonish a parish priest who has seriously neglected or violated the parochial duties mentioned in canons 4, 6, 7, 4, 6, 8, 1, 1, 7, 8, 1, 3, 3, 0 - 1, 3, 3, 1, 1, 3, 4, 1, reminding him of the obligation he bears in conscience and the penalties established by law for these offenses. Canon 2183. If the parish priest does not reform himself, the Bishop shall correct him and punish him with a suitable penalty for the gravity of the offense, after having, after hearing two examiners and having given the parish priest the opportunity to defend himself, judged that the aforementioned parochial duties have been repeatedly and noticeably neglected.

[*Latin ed. p. 410*]

410. The Code of Canon Law states that a grave matter of time has been neglected or violated, and that such omissions or violations cannot be excused by any just cause.

CAN. 2184. If both correction and punishment have failed, the Ordinary, after due investigation according to canon 2183, may immediately deprive a removable pastor of his parish if the omission or violation of a grave matter persists and is culpable; and he may deprive an immovable pastor, according to the gravity of the offense, either in whole or in part of the fruits of his benefice, which are to be distributed to the poor by the Ordinary.

CAN. 2185. If, after due investigation, it is proven that the pastor persists in a bad will, the Ordinary may also remove an immovable pastor from his parish.

TITLE XXXIII. Concerning the procedure for imposing suspension based on informed conscience.

CAN. 2186. § 1. Ordinaries may suspend their subordinate clerics from office, either in whole or in part, based on informed conscience.

§ 2. This extraordinary remedy may not be used if the Ordinary can

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proceed according to the law without serious inconvenience to the subordinate.

CAN. 2187. For this suspension, neither judicial forms nor canonical admonitions are required; it is sufficient if the Ordinary, observing the prescriptions of the following canons, declares by a simple decree that he is imposing the suspension.

CAN. 2188. This decree shall be given in writing, unless something else is required by the circumstances, specifying the day, month, and year; and it shall contain:

1°. An express statement that the suspension is being imposed based on informed conscience or for reasons known to the Ordinary himself;

2°. The duration of the penalty; the Ordinary, however, shall refrain from imposing it perpetually. It may, however, be imposed as a censure, provided that the reason for the suspension is made clear to the cleric in this case;

3°. A clear indication of the acts that are prohibited, if the suspension is imposed in part, but not in whole.

CAN. 2189. § 1. If a cleric is suspended from an office in which another must be substituted, such as a pastor of souls, the substitute shall receive compensation from the fruits of the benefice, according to the prudent judgment of the Ordinary.

[*Latin ed. p. 411*]

Book Fourth - On Procedures 411 § 2. A cleric who has been suspended, if he feels that he has been unjustly treated, may petition the immediate superior who would be the judge of appeal in a judicial process for a reduction in his pension. CAN. 2190. The Ordinary, who imposes a suspension based on informed conscience, must have gathered, after investigations have been completed, such evidence that it makes him certain that the cleric has truly committed the offense, and indeed, that it is so grave that such a penalty is necessary to restrain him. CAN. 2191. § 1. A suspension based on informed conscience provides a just and legitimate cause if the offense has been concealed according to canon 2197. § 2. For a notorious offense, a suspension based on informed conscience can never be imposed. § 3. In order for a public offense to be subject to a suspension based on informed conscience, it is necessary that one of the following conditions be met: 1.° If credible and serious witnesses demonstrate the offense to the Ordinary, but they cannot, for any reason, testify about it in court, nor can the offense be proven through other evidence in a judicial process; 2.° If the cleric himself obstructs the institution or completion of a judicial process through threats or other means; 3.° If obstacles arise to the completion of the judicial process or the execution of the sentence due to adverse civil laws or the risk of serious scandal. CAN. 2192. A suspension based on informed conscience is valid even if only one offense out of many has been concealed. CAN. 2193.

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It is left to the prudent judgment of the Ordinary to reveal or conceal the cause of the suspension, or the offense, to the cleric, always with pastoral concern and charity, so that, if the Ordinary has decided to reveal the offense to the cleric, the penalty, along with paternal warnings, should serve not only for the expiation of the fault, but also for the amendment of the offender and for the elimination of the opportunity to sin. CAN. 2194. If a cleric appeals against the suspension imposed upon him, the Ordinary must send to the Apostolic See the evidence that proves that the cleric has truly committed the offense that warrants this extraordinary penalty.

[*Latin ed. p. 412*]

Codex Iuris Canonici 412, LIBER QUINTUS DE DELICTIS ET POENIS, PARS PRIMA DE DELICTIS, TITULUS -1. De natura delicti eiusque divisione.

CAN. 2195. § 1. Per terminum "delictum," in iure ecclesiastico, intelligitur violatio externa et moraliter imputabilis legis, ad quam addita est sanctio canonica indeterminata.

§ 2. Nisi aliter appareat ex circumstantiis, quae dicuntur de delictis, applicabuntur etiam violationibus praecepti cui adnexa sit poenalis sanctio.

CAN. 2196. Qualitas delicti desumenda est ex obiecto legis; quantitas vero dimetienda non solum ex diversa gravitate legis laesae, sed etiam ex maiore minoreve imputabilitate aut damno illato.

CAN. 2197. Delictum est:

1.° Publicum, si iam divulgatum est aut talia contigerunt seu versatur in adiunctis ut prudenter iudicari possit et debeat facile divulgatum iri;

2.° "Notorium notorietate iuris, post sententiam iudicis competentis quae in rem iudicatam transierit aut post confessionem delinquentis in iudicio factam ad normam can. 1750;

3.° Notorium notorietate facti, si publice notum sit et in talibus adiunctis commissum, ut nulla tergiversatione celari nulloque iuris suffragio excusari possit;

4.° Occultum, quod non est publicum; occultum materialiter, si lateat delictum ipsum; occultum formaliter, si eius imputabilitas.

CAN. 2198. Delictum quod unice laedit Ecclesiae legem, natura sua, sola ecclesiastica auctoritas persequitur, requisito interdum, ubi eadem auctoritas.

[*Latin ed. p. 413*]

Book Fifth - On Crimes and Penalties 413, it indicates what is necessary or opportune, with the aid of secular authority; a crime which solely harms the law of civil society is punished by civil authority, according to its own right, except as prescribed in canon 120; the Church, however, is competent to judge it regarding sin; a crime which harms the law of both societies can

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be punished by both powers.

TITLE II. On the imputability of a crime, on the causes which aggravate or diminish it, and on the legal effects of a crime.

CAN. 2199. The imputability of a crime depends on the intent of the deliquent, or on his fault in ignorance of the law violated, or in the omission of due diligence; therefore, all causes which increase, diminish, or eliminate intent or fault, likewise increase, diminish, or eliminate the imputability of the crime.

CAN. 2200. § 1. Here, intent is the deliberate will to violate the law, and it is opposed by a lack of knowledge on the part of the intellect, and a lack of freedom on the part of the will.

§ 2. When the external act violates the law, intent is presumed in the external forum, unless the contrary is proven.

CAN. 2201. § 1. Those who, through lack of reason, are incapable of acting are incapable of committing a crime.

§ 2. Those who are habitually insane, even if they sometimes have lucid intervals, or seem sane in certain particular reasonings or actions, are nevertheless presumed to be incapable of committing a crime.

§ 3. A crime committed in voluntary drunkenness is not entirely without imputability, but it is less than when the same crime is committed by one who is fully composed; unless, however, the drunkenness was deliberately sought out to commit or excuse the crime; but if the law is violated in involuntary drunkenness, imputability is entirely eliminated if the drunkenness completely deprives the use of reason; it is diminished if it deprives it only in part. The same applies to other similar disturbances of the mind.

§ 4. Mental weakness diminishes the imputability of a crime, but does not entirely eliminate it.

CAN. 2202. § 1. A violation of the law due to ignorance is not imputable at all, if the ignorance was excusable; otherwise, imputability is diminished more or less according to the culpability of the ignorance itself.

§ 2. Ignorance of only the penalty does not eliminate the imputability of a crime, but diminishes it somewhat.

§ 3. What is stated about ignorance also applies to inadvertence and error.

[*Latin ed. p. 414*]

Codex Iuris Canonici CAN. 2203. § 1. Si quis legem violaverit ex omissione debitae diligentiae, imputabilitas minuitur secundum modum a prudente iudice ex circumstantiis determinando; sed si rem praeviderat, et tamen cautiones ad eam evitandam omiserat, quas diligens quilibet adhibuisset, culpa est proxima dolo. § 2. Casus fortuitus qui praevideri vel cui praeviso occurri non potest, ab omni imputabilitate exonerat. CAN. 2204. Minor aetas, nisi aliter constet, minuit imputabilitatem delicti, et eo magis

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quo ad infantiæ propius accedit. CAN. 2205. § 1. Vis physica quae omnem facultatem agendi aufert, delictum prorsus excludit. § 2. Metus etiam grave, relative tantum, necessitas, imo et grave incommodum, plerumque delictum, si agatur de legibus mere ecclesiasticis, penitus tollunt. § 3. Si vero actus sit intrinsecè gravis aut vergat in contemptum fidei vel auctoritatis ecclesiasticae vel in damnum animarum, causae, de quibus in § 2, imputabilitatem delicti minuant quidem, sed non auferunt. § 4. Causa legitimae tutelae contra iniustum aggressorem, si debitum servetur moderamen, delictum omnino aufert; alioquin imputabilitatem tantummodo minuit, sicut etiam causa provocationis. CAN. 2206. Passio, si fuerit voluntarie et deliberate excitata vel nutrita, imputabilitatem potius auget; alioquin eam minuit plus minusve pro diverso aestu passionis; et omnino tollit, si omnem mentis deliberationem et voluntatis consensum praeveniat et impediat. CAN. 2207. Praeter alia adiuncta aggravantia, delictum augetur: 1.° Pro maiore dignitate personae quae delictum committit, aut quae delicto offenditur; 2.° Ex abusu auctoritatis vel officii ad delictum patendum. CAN. 2208. § 1. Recidivus sensu iuris est qui post condemnationem rursus committit delictum eiusdem generis et in talibus circumstantiis rerum et praesertim temporis, ut eiusdem pertinacia in mala voluntate prudenter coniici possit. § 2. Qui pluries deliquerit etiam diverso in genere, suam auget culpabilitatem. CAN. 2209. § 1. Qui communi consilio delinquendi simul physice concurrunt in delictum, omnes eodem modo habentur, nisi adiuncta alicuius culpabilitatem augeant vel minuant.

[*Latin ed. p. 415*]

Book Fifth - On Crimes and Punishments

415 § 2. In a crime which, by its very nature, requires the cooperation of an accomplice, each party is equally culpable, unless something else appears from the circumstances.

§ 3. Not only the one who commands, who is the principal author of the crime, but also those who induce the consummation of the crime, or who in any way participate in it, incur, all other things being equal, no less culpability than the one who executes the crime, if the crime would not have been committed without their cooperation.

§ 4. However, if their cooperation merely made the crime easier, which would have been committed even without their cooperation, they incur less culpability.

§ 5. He who completely averts his influence in committing the crime through a timely retraction, is freed from all culpability, even if the executor of the crime committed it for other reasons proper to himself; if he does not completely retract, the retraction diminishes, but does not remove, culpability.

§ 6. He who participates in the crime solely by neglecting his duty, is

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held to a culpability proportionate to the obligation he had to prevent the crime by his duty.

§ 7. Praise of the crime committed, participation in the fruits, concealment of the perpetrator, and reception, or any other acts subsequent to the fully completed crime, can constitute new crimes, if indeed they are punished by law; but, unless there has been an agreement with the perpetrator regarding these acts before the crime, they do not incur the culpability of the crime committed.

CAN. 2210.

§ 1. From a crime arises: 1.° A criminal action to declare or inflict punishment, and to seek satisfaction; 2.° A civil action to repair damages, if the crime has caused damage to someone.

§ 2. Both actions are carried out according to the norms of canons 1552-1959; and the same judge in a criminal trial can, at the request of the injured party, reopen and define the civil action.

CAN. 2211.

All those who participate in a crime, according to canons 2209, § 1-3, are jointly and severally obligated to reimburse the expenses and damages incurred by any person as a result of the crime, even if the judge condemns them in proportion to the damages.

TITLE III. On Attempted Crime.

CAN. 2212.

§ 1. Whoever performs or omits an act which, by its nature, leads to the execution of a crime, but does not complete the crime, either because he abandoned his plan, or because the crime could not be completed due to the insufficiency or ineptitude of the means, commits an attempted crime.

[*Latin ed. p. 416*]

416. Codex Iuris Canonici § 2. Quia omnes actus, positivi vel omissivi, sunt qui, per suam naturam, conducunt ad consummationem delicti et sunt sufficientes ad perficere illud, si ex alia causa, praeter voluntatem agentis, non effectum sortiti sunt, conatus delicti dicitur esse delictum frustratum. § 3. Ad conatum delicti adiungitur actio illius qui alium ad committere delictum studuerit, sed inefficaciter. § 4. Si conatus delicti peculiari poena in lege mulctatur, hoc constitue delictum. Domine C. A. N. 2213. § 1. Conatus delicti habet suam imputabilitatem, eo maiorem, quo magis ad consummationem accedit, quamquam minorem prae delicto consummato, salvo praescripto § 3. § 2. Delictum frustratum est plus culpabile, quam simplex conatus delicti. § 3. Ab omni imputabilitate liberatur qui sponte ab incepta exsecutione delicti destiterit, si nullum ex conatu damnum aut scandalum ortum sit.

PARS SECUNDA DE POENIS

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SECTIO I. De poenis in genere.

« C. A. N. 2214. § 1. Nativum et proprium Ecclesiae ius est, independens a qualibet humana auctoritate, coercendi delinquentes sibi subditos poenis tum spiritualibus tum etiam temporalibus. § 2. Prae oculis habeatur monitum Conc. Trid., sess. XIII, de ref., cap. 1: « Meminerint Episcopi aliique Ordinarii se pastores non percussores esse, atque ita praeesse sibi subditis oportere, ut non in eis dominentur, sed illos tanquam filios et fratres diligant et laborent ut hortando et monendo ab illicitis deterreant, ne, ubi deliquerint, debitis eos poenis coercere cogantur; quos tamen si quid per humanam fragilitatem peccare contigerit, illa Apostoli est ab eis servanda praeceptio ut illos arguant, obsecrent, increpent in omni bonitate et patientia, cum saepe plus erga corrigendos agat benevolentia quam austeritas, plus exhortatio quam comminatio, plus caritas quam potestas; sin autem ob delicti gravitatem virga opus erit, tunc cum mansuetudine rigor, cum misericordia iudicium, cum lenitate severitas adhibenda est, ut sine asperitate disciplina, populis salutaris ac necessaria, conservetur et qui correcti fuerint, emendentur aut, si resipiscere noluerint, ceteri, salubri in eos animadversionis exemplo, a vitiis deterreantur ».

[*Latin ed. p. 417*]

Book Fifth - On Crimes and Penalties 417

TITLE I: On the nature, species, interpretation, and application of penalties.

CAN. 2215. An ecclesiastical penalty is the deprivation of some good, inflicted by legitimate authority for the correction of the offender and the punishment of the crime.

CAN. 2216. In the Church, those who have committed offenses are punished by: 1.° Medicinal penalties, or censures; 2.° Vindicative penalties; 3.° Penal remedies and penances.

CAN. 2217. § 1. A penalty is said to be: 1.° Determined, if it is expressly stated in the law or precept; indeterminate, if it is left to the prudent judgment of the judge or superior, whether by imperative or facultative terms; 2.° Of already declared sentence, if a determined penalty is added to the law or precept, so that it is incurred by the very fact of the crime committed; of sentence to be declared, if it must be imposed by a judge or superior; 3.° By law, if a determined penalty is established in the law itself, whether it is of already declared sentence or of sentence to be declared; by man, if it is imposed either by a special precept or by a judicial sentence of condemnation, even though it is established by law; therefore, a penalty of sentence to be declared, added to the law, is by law only before the condemning sentence, afterwards by law and by man, but it is considered as by man.

§ 2. A penalty is always understood to be of sentence to be declared, unless it is expressly stated to be of already declared sentence, or incurred

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by the very fact or by the very law, or unless other similar words are used.

CAN. 2218. § 1. In imposing penalties, an equal proportion must be observed with the crime, taking into account imputability, scandal, and damage; therefore, not only the object and gravity of the law must be considered, but also the age, knowledge, education, sex, condition, status of mind of the offender, the dignity of the person who is offended, or who commits the crime, the intended purpose, the place and time at which the crime was committed, whether the offender acted out of passion or out of grave fear, whether he repents of the crime and seeks to avoid its evil effects, and other similar circumstances.

§ 2. Not only those who are excused from all imputability, but also those who are excused from grave imputability are equally excused from any penalty, whether of already declared sentence or of sentence to be declared, even in the external forum, if the excuse is demonstrated in the external forum.

ACTA, vol. IX, Part II, 27.

[*Latin ed. p. 418*]

418. Codex Iuris Canonici § 3. Mutual injury is compensated, unless one party, because of the greater severity of the injury inflicted by the same party, ought to be condemned to a lesser penalty, if the circumstances warrant. CAN. 2219. § 1. In imposing penalties, a more lenient interpretation is to be given. § 2. However, if there is doubt as to whether a penalty, imposed by a competent superior, is just or not, the penalty must be observed in both instances, except in the case of a suspensive appeal. § 3. It is not permissible to apply a penalty from person to person or from case to case, even if there is a similar reason, indeed a more serious one, except as provided in canon 2231. TITLE V. Concerning the superior who has coercive power. CAN. 2220. § 1. Those who have the power to enact laws or impose precepts can also attach penalties to a law or precept; those who have only judicial power can only apply legitimately established penalties, in accordance with the law. § 2. The Vicar General does not have the power to impose penalties without a special mandate. CAN. 2221. Those who have legislative power can, within the limits of their jurisdiction, not only protect with a suitable penalty the law promulgated by themselves or by their predecessors, but also, due to special circumstances, protect with a penalty the divine law, or an ecclesiastical law promulgated by a higher authority, which is in force in that territory, or increase the penalty prescribed by law. CAN. 2222. § 1. Although the law may not have any sanction attached, a legitimate superior may nevertheless punish the transgression of that law, even without prior threat of penalty, with a just penalty, if a scandal should arise, or if the gravity of the transgression warrants it; otherwise, the guilty party cannot be punished, unless he has first been warned with a threat of the penalty imposed or to be imposed in the case of the transgression, and neverthe-

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less violates the law. § 2. Likewise, a legitimate superior, even if it is only probable that a crime has been committed, or if there is certain proof of the commission of a crime, has not only the right, but also the duty, to prevent the advancement of a cleric whose suitability is not certain, and, in order to avoid scandal, to prohibit the cleric from exercising the sacred ministry, or even to remove him from office, in accordance with the law; all of which things do not have the nature of a penalty. Canon 2223. § 1. In applying penalties, the judge may not increase the determined penalty, unless extraordinary aggravating circumstances require it.

[*Latin ed. p. 419*]

Book Fifth - On Delicts and Penalties 419 § 2. If the law uses facultative words when establishing a penalty or sentencing, it is left to the prudence and conscience of the judge to impose it, or, if the penalty is determined, to moderate it. § 3. However, if the law uses imperative words, the penalty is ordinarily to be imposed; but it is left to the conscience and prudence of the judge or Superior: 1.° To postpone the application of the penalty to a more opportune time, if greater evils are foreseen to result from the hasty punishment of the matter; 2.° To abstain from imposing the penalty, if the offender has been perfectly reformed, and has repaired the scandal, or has been sufficiently punished, or is foreseen to be punished by penalties sanctioned by civil authority; 3.° To moderate the determined penalty, or to apply some other penal remedy in its place, or to impose some penance, if there is a circumstance that notably diminishes imputability, or if the offender has indeed been reformed, or has received punishment from civil authority, but the judge or Superior deems it appropriate to impose a milder punishment. § 4. The declaration of a penalty under sentence is generally left to the prudence of the Superior; but whether at the request of the interested party, or because it is required by the common good, a declaratory sentence must be given. CAN. 2224. § 1. Ordinarily, as many penalties as there are delicts. § 2. However, if the number of delicts would result in an excessive accumulation of penalties to be imposed, it is left to the prudent judgment of the judge to either impose a penalty more severe than all the others, adding, if the circumstances warrant, some penance or penal remedy, or to moderate the penalties within reasonable limits, taking into account the number and gravity of the delicts. § 3. If a penalty is established both for the attempt of a delict and for the consummated delict, it is understood that only the penalty established for the consummated delict is to be imposed. CAN. 2225. If a penalty is declared or imposed by a judicial sentence, the prescriptions of the canons regarding the pronouncement of a judicial sentence must be observed; if, however, a penalty for a declared or to-be-imposed sentence is imposed in the manner of a particular precept, it must ordinarily be declared or imposed in writing, or before two witnesses, indicating the reasons for the penalty, saving the prescription of can. 2193.

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TITLE VI. On the subject subject to coercive power. CAN. 2226. § 1. The penalties annexed to a law or precept are subject to the one who is bound by the law or precept, unless expressly exempted. § 2. It is permissible for a subsequent penal law to abrogate a prior one, but if the delict was already committed when the subsequent law was enacted, the law more favorable to the offender must be applied.

[*Latin ed. p. 420*]

Codex Iuris Canonici § 3. If a subsequent law abolishes a law or penalty, this takes effect immediately, unless it concerns penalties already imposed. § 4. The penalty binds the guilty party everywhere on earth, even after the loss of the right of appeal, unless expressly otherwise stipulated.

CAN. 2227. § 1. The penalty can only be imposed or declared by the Supreme Pontiff in the cases mentioned in can. 1557, § 1. § 2. Unless expressly named, Cardinals of the Holy Roman Church are not subject to the penal law, nor are Bishops subject to the penalties of suspension and interdict.

CAN. 2228. The legally prescribed penalty is not incurred unless the offense has been perfectly consummated according to the meaning of the words of the law.

CAN. 2229. § 1. Ignorance of the law, or even of the penalty itself, does not excuse anyone from latae sententiae penalties, even if the law contains the words mentioned in § 2. § 2. If the law contains words such as: "presumed," "dared," "knowingly," "studiously," "rashly," "deliberately," or similar words that require full knowledge and deliberation, any diminution of culpability, whether on the part of the intellect or the will, exempts from latae sententiae penalties. § 3. If the law does not contain those words: 1.° Ignorance of the law, or even of the penalty itself, if it is grave or stubborn, exempts from no latae sententiae penalty; if it is not grave or stubborn, it excuses from medicinal penalties, but not from vindicative latae sententiae penalties; 2.° Intoxication, omission of due diligence, mental weakness, the impulse of passion, if, despite the diminution of culpability, the action is still gravely blameworthy, do not excuse from latae sententiae penalties; 3.° Grave fear, if the offense borders on contempt of faith or ecclesiastical authority, or on public harm to souls, does not in any way excuse from latae sententiae penalties. § 4. Although the guilty party is not subject to latae sententiae penalties according to § 3, n. 1, this does not prevent, if circumstances warrant, the imposition of a suitable other penalty or penance.

CAN. 2230. Minors are excused from latae sententiae penalties, and are rather corrected by educational punishments, rather than by other, more severe vindicative penalties; those who, being adults, induced them to violate the law, or who committed the offense with them, according to canons 2209, §§ 1-3, incur the legally prescribed penalty themselves.

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CAN. 2231. If several persons concur in committing an offense, even if only one is named in the law, those mentioned in canons 2209, §§ 1-3, are also bound, unless...

[*Latin ed. p. 421*]

Book Fifth - On Delicts and Penalties 421, unless another law expressly provides otherwise, the same penalty applies; those not so specified are to be punished with another just penalty, according to the prudent judgment of the Superior, unless a specific penalty is established by law for them. CAN. 2232. § 1. The penalty of latae sententiae, whether medicinal or vindicative, binds the deliquent who is aware of the delict, from the very act, in both forums; however, before a declaratory sentence, the deliquent is excused from observing the penalty as often as he cannot observe it without infamy, and in the external forum, no one can demand from him the observance of the same penalty, unless the delict is notorious, according to the firm prescription of can. 2223, § 4. § 2. The declaratory sentence retroacts the penalty to the moment the delict was committed. CAN. 2233. § 1. No penalty can be imposed unless it is certain that the delict has been committed and that it is not legitimately prescribed. § 2. Even if it is legitimately certain, if a censure is to be imposed, the deliquent is to be rebuked and warned to cease his contumacy, according to can. 2242, § 3, given, if the prudent judgment of the same judge or Superior allows, at a suitable time for repentance; if the contumacy persists, the censure can be imposed. CAN. 2234. He who has committed multiple delicts must not only be punished more severely, but if, according to the prudent judgment of the judge, circumstances permit, he must also be subjected to vigilance or another penal remedy. CAN. 2235. A frustrated delict or an attempt at a delict, unless they are punished as distinct delicts by law, can be punished with a suitable penalty according to their gravity, with the proviso of can. 2213, § 3. TITLE VII. On the Remission of Penalties. CAN. 2236. § 1. Remission of the penalty, whether by absolution, if it is a matter of censures, or by dispensation, if it is a matter of vindicative penalties, can only be granted by him who imposed the penalty, or by his competent Superior or successor, or by him to whom this power has been entrusted. § 2. He who can exempt from the law can also remit the penalty attached to the law. § 3. The judge who, by virtue of his office, applies the penalty established by the Superior, cannot remit it once it has been applied.

[*Latin ed. p. 422*]

Codex Iuris Canonici, Canon 2237. Ordinarius, in causis publicis, potest poenas latae sententiae iure communi statutas remittere, exceptis: 1.° Casibus ad forum contentiosum deductis; 2.° Censuris de quibus in § 2; 3.° Poenis degradationis, depositionis, inhabilitatis ad beneficia, officia, dignitates, munera in Ecclesia, vocem activam et passivam eorumque priva-

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tionis, suspensionis perpetuae, infamiae iuris, privationis iuris patronatus et privilegii seu gratiae a Sede Apostolica concessae. § 2. In causis vero occultis, firmiter praescripto can. 2254 et 2289, potest Ordinarius poenas latae sententiae iure communi statutas per se vel per alium remittere, exceptis censuris specialissimo vel speciali modo Sedi Apostolicae reservatis. § 1. Canon 2238. Poenae remissio, vi aut metu gravi extorta, ipso iure irrita est. Canon 2239. § 1. Poena valide remitti potest praesenti vel absenti, absolute vel sub conditione, in foro externo vel interno tantum. § 2. Licet poena etiam oretenus remitti possit, si tamen scripto inflicta fuerit, expedit ut etiam eius remissio scriptis concedatur. Canon 2240. Ad praescriptionem actionis poenalis quod attinet, servetur dispositio can. 1703. SECTIO II. «De poenis in specie. TITULUS VIII. De poenis medicinalibus seu de censuris. CAPUT I. De censuris in genere. Canon 2241. § 1. Censura est poena qua homo baptizatus, delinquens et contumax, quibusdam bonis spiritualibus vel spiritualibus adnexis privatur, donec, a contumacia recedens, absolvatur. § 2. Censurae, praesertim latae sententiae, maxime excommunicatio, ne infligantur, nisi sobrie et magna cum circumspectione. Canon 2242. § 1. Censura punitur tantummodo delictum externum, grave, consummatum, cum contumacia coniunctum; potest autem ferri censura etiam in delinquentes ignotos.

[*Latin ed. p. 423*]

Book Five - On Delicts and Penalties 423 § 2. If we are speaking of penalties to be imposed, a person is contumacious who, despite warnings as mentioned in canon 2233, § 2, does not cease from the delict, or who refuses to perform the penance for a committed delict, with due reparation for damages and scandal; furthermore, for incurring a penalty, it suffices that the law or precept to which a penalty is attached has been transgressed, unless the guilty party is excused by a legitimate reason. § 3. A person is considered to have ceased to be contumacious when the guilty party has truly repented of the delict committed, and at the same time has given due satisfaction for damages and scandal, or has at least seriously promised to do so; it is for the one from whom absolution from the penalty is requested to judge whether the repentance is genuine, whether the satisfaction is due, or whether the promise is serious or not. CANON 2243. § 1. Penalties imposed by a judicial sentence take effect immediately upon being imposed, and there is no appeal from them, except in a devolutive appeal; likewise, recourse is allowed from penalties imposed in the manner of a precept, but only in a devolutive appeal. § 2. An appeal or recourse from a judicial sentence or a precept imposing penalties does not suspend penalties already imposed, if the matter concerns something in which the law does not admit of an appeal or recourse with suspensive effect; otherwise, it does suspend the penalties, always with the obligation to observe what is commanded by the sentence or precept, unless the guilty party has interposed an ap-

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peal or recourse not only against the penalty, but also against the sentence or precept itself. CANON 2244. § 1. Not only different, but also penalties of the same type can be multiplied in the same person. § 2. A penalty is multiplied by a judicial sentence: 1.° If different delicts, each of which carries a penalty, are committed by the same or different actions; 2.° If the same delict, which is punishable by a penalty, is repeated several times, so that there are multiple distinct delicts; 3.° If a delict, punished by different penalties by different Superiors, is committed once or several times. § 3. A penalty is multiplied by a person if multiple precepts or multiple sentences, or multiple distinct parts of the same precept or sentence, impose their own penalties. CANON 2245. § 1. Some penalties are reserved, others are not reserved. § 2. A penalty imposed by a person is reserved to the one who imposed the penalty or rendered the sentence, and also to his competent Superior, or to his successor or delegate; from penalties reserved by law, some are reserved to the Ordinary, others to the Apostolic See. § 3. Of those reserved to the Apostolic See, some are reserved simply, others in a special manner, and others in a most special manner.

[*Latin ed. p. 424*]

424. The Code of Canon Law, § 4. Censures are not reserved, unless it is expressly stated in the law or precept; and in cases of doubt, whether of law or of fact, reservation does not apply. CAN. 2246. § 1. A censure is not reserved, unless there is careful consideration of the particular gravity of the offenses and the necessity of providing for the proper discipline of the Church and the healing of the consciences of the faithful. § 2. Reservation is to be interpreted strictly. § 3. Reservation of a censure that prevents the reception of the Sacraments implies reservation of the sin to which the censure is attached; but if someone is excused from the censure or has been absolved from it, the reservation of the sin completely ceases. CAN. 2247. § 1. If a censure is reserved to the Apostolic See, the Ordinary cannot impose another censure for the same offense. § 2. The reservation of a censure in a particular territory does not lose its force outside the boundaries of that territory, even if the person subject to the censure leaves the territory to obtain absolution; but a censure imposed by a human authority is reserved everywhere, so that the person subject to the censure cannot be absolved anywhere without the proper faculties. § 3. If a confessor, unaware of the reservation, absolves a penitent from a censure and from sin, the absolution from the censure is valid, provided that it is not a censure imposed by a human authority or a censure reserved in a special manner to the Apostolic See. CAN. 2248. § 1. Any censure, once incurred, is removed only by a legitimate absolution. § 2. Absolution may not be denied to one who, having first renounced contumacy, according to canon 2242, § 3; but the confessor may, if the circumstances warrant, impose a suitable expiatory penance or act of penance for the offense. § 3. A censure, once removed

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by absolution, does not revive, unless the obligation imposed under pain of recurrence has not been fulfilled. CAN. 2249. § 1. If someone is subject to several censures, he may be absolved from one, without being absolved from the others. § 2. The penitent, requesting absolution, must indicate all the circumstances; otherwise, the absolution is valid only for the circumstance expressly mentioned; but if the absolution, even though a particular request has been made, is general, it is also valid for those who have omitted something in good faith, except for a censure reserved in a special manner to the Apostolic See, but not for those who have omitted something in bad faith. CAN. 2250. § 1. If we are dealing with a censure that does not prevent the reception of the Sacraments, a person who is properly disposed and has renounced contumacy may be absolved from his sins, even under a censure.

[*Latin ed. p. 425*]

Book Fifth - On Delicts and Penalties 425 § 2. If, however, we are speaking of a censure which impedes the reception of the Sacraments, the one subject to the censure cannot be absolved from his sins, unless he has first been absolved from the censure itself. § 3. Absolution from a censure in the sacramental forum is contained in the usual form of absolution of sins prescribed in the ritual books; in the non-sacramental forum, it can be granted in any manner, but in the case of absolution from an excommunication, it is fitting to use the form regularly prescribed in the same books; CAN. 2251. If absolution from a censure is granted in the external forum, both forums are affected; if in the internal forum, the absolved person, having removed the scandal, may consider himself to be in such a state even in the external forum; but, unless proof of the granting of absolution is shown, or at least legitimately presumed, in the external forum, the censure may be enforced by Superiors of the external forum, to whom the accused is obliged to obey, until absolution has been received in that same forum. CAN. 2252. Those who are in danger of death, and who have received absolution from some censure by a priest, specially authorized, or from a censure specially reserved to the Apostolic See, are bound, after they have recovered, under pain of relapse, to return to the one who imposed the censure, if it is a censure imposed by a person; to the Holy Penitentiary, or to another Bishop endowed with the faculty, according to canon 2254, § 1, if it is a censure imposed by law; and to obey their commands. CAN. 2253. Outside of the danger of death, they can be absolved: 1.° From a censure not reserved, any confessor in the sacramental forum; outside the sacramental forum, anyone who has jurisdiction over the accused in the external forum; 2.° From a censure imposed by a person, the one to whom the censure is reserved, according to canon 2245, § 2; but he himself can grant absolution, even if the accused has moved to another domicile or quasi-domicile; 3.° From a censure reserved by law, the one who instituted the censure, or

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to whom it is reserved, and their successors, or competent Superiors, or delegates. Therefore, any Ordinary can absolve his subjects from a censure reserved to a Bishop or Ordinary; the Ordinary of the place can also absolve pilgrims; from a censure reserved to the Apostolic See, or to others who have obtained the power to absolve from it, either general, if the censure is simply reserved, or special, if reserved in a special manner, or finally, most special, if reserved in a most special manner, saving the prescription of canon 2254. CAN. 2254. § 1. In more urgent cases, namely, if the externally imposed censure cannot be observed without the danger of grave scandal or infamy, or if it is difficult for a penitent to remain in a state of grave sin for the necessary time for the competent Superior to provide, then any confessor...

[*Latin ed. p. 426*]

426. In foro sacramentali, [aquelis] qui, cualquiera que sea la manera, hayan sido reservados, el Códice de Derecho Canónico puede absolverlos, imponiendo la obligación de recurrir, bajo pena de reincidencia, al menos dentro de un mes, por carta y por medio del confesor, si esto puede hacerse sin grave inconveniente, omitiendo el nombre, a la Sagrada Penitenciaría o a otro Superior investido de la facultad y de la autoridad para dar cumplimiento a sus mandatos. § 2. Nada impide que el penitente, incluso después de haber recibido, como se ha dicho, la absolución, al hacer también un recurso al Superior, acuda a otro confesor investido de la facultad, y de este obtenga la absolución, después de una nueva confesión, al menos del delito con su censura; una vez obtenida esta, debe recibir de este las órdenes, y estará obligado a cumplir las demás órdenes que puedan provenir del Superior. § 3. Si en algún caso extraordinario este recurso fuera moralmente imposible, entonces el mismo confesor, excepto en el caso en que se trate de la absolución de la censura de la que se habla en el canon 2368, § 1, puede conceder la absolución sin la obligación de la que se ha hablado anteriormente, imponiendo, sin embargo, las obligaciones que se deben imponer por derecho, e imponiendo una penitencia y satisfacción adecuadas por la censura, de modo que el penitente, a menos que, dentro de un tiempo adecuado que el confesor debe fijar, haya cumplido la penitencia y dado la satisfacción, recaiga en la censura. CAPÍTULO II. Sobre las censuras en especie. CAN. 2255. § 1. Las censuras son: 1.° La excomunión; 2.° El interdicto; 3.° La suspensión. § 2. La excomunión puede afectar solo a personas físicas, y por lo tanto, si alguna vez se pronuncia contra un cuerpo moral, se entiende que afecta a cada uno de los que hayan incurrido en el delito; el interdicto y la suspensión, también pueden afectar a la comunidad, como a una persona moral; la excomunión y el interdicto, también pueden afectar a los laicos; la suspensión, solo afecta a los clérigos; el interdicto, también puede afectar a un lugar; la excomunión es siempre una censura; el interdicto y la suspensión pueden ser censuras o penas vindicativas, pero

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en caso de duda, se presumen censuras. CAN. 2256. En los cánones que siguen: 1.° Con el nombre de oficios divinos se entienden las funciones de la potestad del orden, que, por institución de Cristo o de la Iglesia, se ordenan al culto divino y que solo pueden ser ejercidas por clérigos; 2.° Con el nombre de actos legítimos eclesiásticos se entienden: ejercer el cargo de administrador de los bienes eclesiásticos; ejercer las funciones de juez, auditor y relator, defensor del vínculo, promotor de la justicia y de la fe, notario y canciller, corredor y aparejador, abogado y procurador en causas eclesiásticas; ejercer el cargo de padrino en los sacramentos del bautismo y de la confirmación; dar su voto en las elecciones eclesiásticas; ejercer el derecho de patronato.

[*Latin ed. p. 427*]

Book Fifth - On Delicts and Penalties 427 ARTICLE I. — Concerning Excommunication. CANON 2257. § 1. Excommunication is a censure by which someone is excluded from communion with the faithful, along with the effects which are enumerated in the canons that follow, and which cannot be separated. § 2. It is also called anathema, especially if it is imposed with the solemnities described in the Roman Pontifical. CANON 2258. § 1. Some excommunicated persons are to be avoided, others are to be tolerated. § 2. No one is to be avoided, unless he has been specifically excommunicated by the Apostolic See, the excommunication has been publicly declared, and it is expressly stated in the decree or sentence that he must be avoided, except as provided in canon 2343, § 1, no. 1. CANON 2259. § 1. Every excommunicated person is deprived of the right to assist at divine offices, but not at the preaching of the Word of God. § 2. A tolerated excommunicated person may passively assist; it is not necessary to expel him; if he is to be avoided, he must be expelled, or, if he cannot be expelled, he must cease from his office, provided that this can be done without serious inconvenience; but a person who is to be avoided, and also any person who has been manifestly excommunicated after a declaratory or condemnatory sentence, is excluded from active assistance, which involves some participation in the celebration of divine offices. CANON 2260. § 1. An excommunicated person cannot receive the Sacraments; indeed, after a declaratory or condemnatory sentence, he cannot receive even the Sacramentals. § 2. With regard to ecclesiastical burial, the prescription of canon 1240, § 1, no. 2, is to be observed. CANON 2261. § 1. It is prohibited for an excommunicated person lawfully to perform and administer the Sacraments and Sacramentals, except for the exceptions that follow. § 2. The faithful, except as provided in § 3, may, for any just cause, request the Sacraments and Sacramentals from an excommunicated person, especially if other ministers are lacking, and in such a case, the requested excommunicated person may administer them, and is not bound by any obligation to inquire into the reason for the request from the person making it. § 3. But

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from excommunicated persons who are to be avoided, as well as from other excommunicated persons, after a condemnatory or declaratory sentence has intervened, the faithful may, in the sole case of mortal danger, request both sacramental absolution according to canon 2252, and also, if other ministers are lacking, the other Sacraments and Sacramentals. CANON 2262. § 1. An excommunicated person does not participate in indulgences, suffrage, or public prayers of the Church.

[*Latin ed. p. 428*]

428. Codex Iuris Canonici § 2. Quae tamen non sunt prohibita: 1.° Ut fideles privatim pro eo orarent; 2.° Ut sacerdotes Missam privatim, et absente scandalo, pro eo applicarent; sed, si vitandus sit, solum pro eius conversione.

CAN. 2263. Excommunicatus removatur ab actibus legitimis ecclesiasticis intra fines suis in locis iure definitos; nequeit in causis ecclesiasticis agere, nisi secundum normam canonis 1654; prohibetur ecclesiasticis officiis seu muneribus fungi, et, concessisque antea ab Ecclesia privilegiis, frui.

CAN. 2264. Actus iurisdictionis, tam fori externi quam fori interni, positus ab excommunicato est illicitus; et, si lata fuerit sententia condemnatoria vel declaratoria, etiam invalidus, salvo praescripto canonis 2261, § 2; alioquin est validus, immo etiam licitus, si a fidelibus petitus sit secundum normam memorie canonis 2261, § 2.

CAN. 2265. § 1. Quilibet excommunicatus: 1.° Prohibetur iure eligendi, praesentandi, nominandi; 2.° Nequit consequi dignitates, officia, beneficia, pensiones ecclesiasticas aliudve munus in Ecclesia; 3.° Promoveri nequit ad ordines.

§ 2. Actus tamen positus contra praescriptum § 1, nn. 1, 2, non est nullus, nisi positus fuerit post sententiam declaratoriam vel condemnatoriam; quod si haec sententia lata fuerit, excommunicatus nequit praeterea gratiam ullam pontificiam valide consequi, nisi in pontificio rescripto mentio de excommunicatione fiat.

CAN. 2266. Post sententiam condemnatoriam vel declaratoriam excommunicatus manet privatus fructibus dignitatis, officii, beneficii, pensionis, muneris, si quod habeat in Ecclesia; et vitandus ipsamet dignitate, officio, beneficio, pensione, munere.

CAN. 2267. Communionem in profanis cum excommunicato vitando fideles vitare debent, nisi agatur de coniuge, parentibus, liberis, famulis, subditis, et generatim nisi rationabilis causa excuset.

ARTICULUS II. — De interdicto.

CAN. 2268. § 1. Interdictum est censura qua fideles, in communione Ecclesiae permanentes, prohibentur sacris quae in canonibus, qui sequuntur, enumerantur.

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§ 2. Prohibitio fit vel directe per interdictum personale, cum per-

[*Latin ed. p. 429*]

Book Fifth - On Delicts and Penalties: The use of church goods is forbidden within the very territory under interdict, either directly, or indirectly, through the local interdict, when, in certain places, the distribution or reception of these goods is prohibited. CAN. 2269. § 1. A general interdict, whether local in the territory of a diocese or a republic, or personal concerning the people of a diocese or a republic, can only be imposed by the Apostolic See or by its mandate; a general interdict concerning a parish or the people of a parish, and a particular, local, or personal interdict, can also be imposed by a Bishop. § 2. A personal interdict follows individuals everywhere; a local interdict does not apply outside the place under interdict, but within the place under interdict, all, even foreigners or those exempt, must observe it, except for a special privilege. CAN. 2270. § 1. A local, general, or particular interdict does not prohibit those administering the Sacraments and Sacramentals from ministering, provided that the proper precautions are observed; but it prohibits the performance of any divine office or sacred rite in that place, except for the exceptions mentioned in § 2 of this canon and in canons 2271 and 2272. § 2. On the feast of the Nativity of the Lord, Easter, Pentecost, the Most Holy Body of Christ, and the Assumption of the Blessed Virgin Mary, the local interdict is suspended, and only the conferring of orders and the solemn blessing of marriages are prohibited. CAN. 2271. If an interdict is local and general, and the decree of the interdict does not expressly provide otherwise: 1.° Clerics are permitted, provided they are not personally under interdict, to perform all divine offices and sacred rites privately in any church or oratory, with the doors closed, in a subdued voice, and without ringing the bells; 2.° In the cathedral church, parish churches, or in the church which is the only one in the town, one Mass is permitted, the reservation of the Most Holy Sacrament, the administration of Baptism, the Eucharist, Penance, the assistance at marriages, excluding the nuptial blessing, and the funeral rites of the dead, but without any solemnity; the blessing of baptismal water and of the sacred oils is prohibited. However, singing is prohibited in these sacred functions, as is the use of sacred vestments and the sound of bells, organs, or other musical instruments; the sacred Viaticum, however, may be privately brought to the sick. CAN. 2272. § 1. In a particular local interdict, if the interdict concerns the altar or sanctuary of a church, no sacred office or sacred rite shall be celebrated therein. § 2. If the interdict concerns a cemetery, the bodies of the faithful may indeed be buried there, but without any ecclesiastical rite.

[*Latin ed. p. 430*]

430. Code of Canon Law § 3. If an interdict has been imposed upon

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a certain church or oratory: 1.° If the church is a cathedral church and the Chapter has not been suppressed, the prescription of canon 2271, n. 1, applies, unless the decree of the interdict prescribes that the conventual Mass be celebrated, or that the canonical hours be recited in another church or oratory; 2.° If it is a parish church, the prescription cited in canon 2271, n. 2, is to be observed, unless the decree of the interdict substitutes another church for the duration of the interdict.

CAN. 2273. > An interdict imposed by the civil authority also extends to accessory places, even if they are exempt, and also to the cathedral church itself; an interdict imposed by a church extends to contiguous chapels, but not to the cemetery; an interdict imposed upon a chapel does not extend to the entire church, nor, if an interdict is imposed upon a cemetery, does it extend to the church contiguous to it, but all oratories erected within the cemetery are prohibited.

CAN. 2274. § 1. If a community or college has committed a crime, the interdict may be imposed either upon the individual delin quents, or upon the community as such, or upon the delin quents and upon the community.

§ 2. If the first case, the prescription of canon 2275 is to be observed.

§ 3. If the second case, the community or college is incapable of exercising any spiritual right that belongs to it.

§ 4. If the third case, the effects are cumulative.

CAN. 2275. Those who are personally under interdict: 1.° May not celebrate divine services, nor may they assist at them, except for the preaching of the Word of God; those who passively assist are not necessarily to be expelled; but those who are under interdict, after a sentence of condemnation or declaration has been pronounced, or who are manifestly under interdict, are to be excluded from active participation, which involves some participation in the celebration of divine services; 2.° Are prohibited from administering, conferring, and receiving the Sacraments and Sacramentals, according to canons 2260 and 2261; 3.° Are also subject to the prescription of canon 2265; 4.° Are deprived of ecclesiastical burial, according to canon 1240, § 1, n. 2.

CAN. 2276. He who is subject to a local interdict or to an interdict imposed upon a community or college, and who has not been the cause of it, may, if he is properly disposed, receive the Sacraments, according to the "preceding canons," without absolution from the interdict or other satisfaction.

CAN. 2277. An interdict from entering a church carries with it the prohibition that no one celebrate divine services within the church, or assist at them, or have an ecclesiastical burial therein; if, however, someone does assist, it is not necessary to expel him, nor, if someone is buried, is it necessary

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to remove the body.

[*Latin ed. p. 431*]

Title V - Of Delicts and Penalties 431 A R T. III. — Of Suspension.

CAN. 2278. § 1. Suspension is a censure by which a cleric is prohibited from office, or from a benefice, or from both.

§ 2. The effects of suspension may be distinct; but, unless otherwise stated, a generally imposed suspension includes all the effects enumerated in the canons of this article; on the contrary, in a suspension from office or from a benefice, only the effects of that one kind are included.

CAN. 2279. § 1. A simple suspension from office, without any limitation, prohibits every act of both the power of order and of jurisdiction, and also of mere administration pertaining to the office, except for the administration of the cleric's own goods belonging to the benefice.

§ 2. Suspension:

1.° Generally from jurisdiction, prohibits every act of the power of jurisdiction for both forums, both ordinary and delegated;

2.° From the divine, prohibits every act of the power of order which one obtains either through sacred ordination or through a privilege;

3.° From the orders, prohibits every act of the power of order received through ordination;

4.° From the sacred orders, prohibits every act of the power of order received through ordination in the sacred rites;

5.° From a certain and defined order of exercising, prohibits every act of the designated order; but the suspended person is also prohibited from conferring the same order and from receiving a higher order, and from exercising the order after the suspension;

6.° From conferring a certain and defined order, prohibits conferring the order itself, but not a lower or higher order;

7.° From a certain and defined ministry, e.g., hearing confessions, or from an office, e.g., with the care of souls, prohibits every act of the same ministry or office;

8.° From the pontifical order, prohibits every act of the power of the episcopal order;

9.° From the pontifical rites, the exercise of pontifical acts, according to can. 337, § 2.

CAN. 2280. § 1. A suspension from a benefice deprives the holder of the fruits of the benefice, except for the right to reside in the buildings belonging to the benefice, but not of the right to administer the goods of the benefice, unless the decree or sentence of suspension expressly deprives the suspended person of the power to administer, and grants it to another.

§ 2. If, although the censure is present, the holder of the benefice receives

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the fruits, he must restore them, and may be compelled to make this restitution by canonical sanctions, if necessary.

[*Latin ed. p. 432*]

432. Codex Iuris Canonici, CAN. 2281. A general suspension, or a suspension from office or from a benefice, affects all offices or benefices which a cleric holds in the diocese of the Superior who imposes the suspension, unless otherwise specified.

CAN. 2282. The Ordinary cannot suspend a cleric from a specific office or benefice which he holds in another diocese; but a suspension imposed by a final sentence, according to common law, affects all offices or benefices held in any diocese.

CAN. 2283. Whatever is prescribed in canon 2265 concerning excommunication, is also applicable to suspension.

CAN. 2284. If a censure of suspension has been incurred which forbids the administration of the Sacraments and Sacramentals, the prescription of canon 2261 is to be observed; if a censure of suspension has been incurred which prohibits the exercise of jurisdiction in the internal or external forum, the act is invalid; for example, an absolution, if a final sentence of condemnation or declaration has been imposed, or if the Superior expressly declares that she revokes her own power of jurisdiction; otherwise, it is only illicit, unless it has been requested by the faithful according to the norm of mem. can. 2261, § 2.

CAN. 2285. § 1. If a community or college of clerics has committed a crime, the suspension may be imposed either on the individual delin quents, or on the community as such, or on the delin quents and on the community.

§ 2. If the first, the canons of this article are to be observed.

§ 3. If the second, the community is prohibited from the exercise of spiritual rights which belong to it as a community.

§ 4. If the third, the effects are cumulative.

TITLE IX. Of vindicative penalties.

CAN. 2286. Vindicative penalties are those which directly tend to the expiation of the crime, so that their remission does not depend on the cessation of the contumacy of the delin quent.

CAN. 2287. An appeal or recourse is granted from vindicative penalties imposed in suspension, unless otherwise expressly provided in the law.

CAN. 2288. Except for the penalties of degradation, deposition, deprivation of office or benefice, and unless the necessity of repairing the scandal demands it, prudence dictates...

[*Latin ed. p. 433*]

Book Fifth - On Delicts and Penalties 433, they are remitted, if the ac-

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cused is such that, for the first time after a life commendably lived, he has committed a fault, the execution of the ordinary penalties imposed by the sentence of condemnation is suspended, provided that, if the accused commits another fault within the next three years, of the same or another kind, he shall incur the penalty due for both faults. CAN. 2289. The vindicative penalty ceases with its expiation or with a dispensation granted by him who legitimately has the power to dispense, according to canon 2236. CAN. 2290. § 1. In more urgent hidden cases, if, from the observance of the vindicative penalty imposed by a final sentence, the accused would suffer harm to his reputation and scandal, any confessor may, in the sacramental forum, suspend the obligation to observe the penalty, imposing the burden of appealing, at least within one month, by letter and, if possible, in person, anonymously, to the Sacred Penitentiary or to the Bishop endowed with that faculty, and obeying his mandates. § 2. And if, in any extraordinary case, such an appeal is impossible, then the confessor himself may grant a dispensation, according to canon 2254, § 3. CHAPTER I. On Common Vindicative Penalties. CAN. 2291. The vindicative penalties which can affect all the faithful according to the gravity of the delicts, are especially the following in the Church: 1.° The local interdict and the interdict on a community or college, perpetually or for a defined time, or at the pleasure of the Superior; 2.° The interdict from entering the church, perpetually or for a defined time, or at the pleasure of the Superior; 3.° The penal translation or suppression of the episcopal or parochial see; 4.° Infamy of the law; 5.° Deprivation of ecclesiastical burial, according to canon 1240, § 1; 6.° Deprivation of the Sacraments; 7.° Deprivation or temporary suspension of a pension paid by the Church or from the goods of the Church, or another ecclesiastical right or privilege; 8.° Removal from the exercise of legitimate ecclesiastical acts; 9.° Inability to receive ecclesiastical benefices or duties in the Church which do not require the clerical state, or to obtain academic degrees with ecclesiastical authority; 10.° Deprivation or temporary suspension of a function, faculty, or grace already obtained; ACTA, vol. IX, Part II. 28.

[*Latin ed. p. 434*]

434. Codex Iuris Canonici 1, 1°. The deprivation of the right of precedence, or of the active and passive voice, or of the right to bear titles of honor, vestments, and insignia granted by the Church; 1, 2°. Monetary penalties.

CAN. 2292. The suppression or translation of a diocesan see is reserved to the Supreme Pontiff; but the suppression of a parish see cannot be decreed by the local Ordinary, unless with the advice of the Chapter.

CAN. 2293. § 1. Infamy can be either of law or of fact.

§ 2. Infamy of law is that which is established by law in expressly stated cases.

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§ 3. Infamy of fact is incurred when someone, due to a committed crime or due to immoral conduct, has lost the good reputation among faithful, pious, and serious people, concerning which judgment belongs to the Ordinary.

§ 4. Neither affects the consanguineous or affine relatives of the delinquent, according to the firm prescription of canon 2147, § 2, n. 3.

CAN. 2294. § 1. He who suffers from infamy of law is not only irregular according to canon 984, n. 5, but is also incapable of obtaining ecclesiastical benefices, pensions, offices, and dignities, of performing legitimate ecclesiastical acts, of exercising ecclesiastical jurisdiction or office, and must, in short, be excluded from the exercise of the ministry in the sacred functions.

§ 2. He who suffers from infamy of fact must be excluded from receiving orders according to canon 987, n. 7, from dignities, benefices, ecclesiastical offices, from the exercise of the sacred ministry, and from performing legitimate ecclesiastical acts.

CAN. 2295. Infamy of law ceases solely by dispensation granted by the Apostolic See; infamy of fact is recovered when, with the good reputation among faithful, pious, and serious people, all circumstances considered, and especially through a long period of amendment, it has been restored, according to the prudent judgment of the Ordinary.

CAN. 2296. § 1. If the matter concerns things for which the capacity is established by common law, the Apostolic See alone can impose the penalty of incapacity.

§ 2. Rights already acquired are not lost due to a subsequent incapacity, unless this is accompanied by the penalty of deprivation.

CAN. 2297. Monetary penalties imposed by common law, the disbursement of which is not predetermined by the same law, and other penalties established or to be established by particular law, must be disbursed by the local Ordinaries for pious purposes, and not for the benefit of the episcopal or capitular table.

[*Latin ed. p. 435*]

Book Fifth - Of Delicts and Penalties, CHAPTER 435 II. Of the particular penal sanctions applicable only to clerics. CANON 2298. The penal sanctions which apply only to clerics are: 1.° Prohibition from exercising the sacred ministry except in a certain church; 2.° Suspension, either perpetually or for a definite period, or at the discretion of the Superior; 3.° Penal transfer from an office or benefice obtained to a lower one; 4.° Deprivation of some right connected with a benefice or office; 5.° Inability to hold all or some dignities, offices, benefices, or other functions proper to clerics; 6.° Penal deprivation of a benefice or office, with or without a pension; 7.° Prohibition from residing in a certain place or territory; 8.° Obligation to reside in a certain place or territory; 9.° Temporary deprivation of ecclesiastical

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habit; 10.° Deposition; 11. Perpetual deprivation of ecclesiastical habit; 12.° Degradation. CANON 2299. § 1. If a cleric obtains an inalienable benefice, he can only be deprived of it as a penalty in cases expressly provided by law; if it is alienable, even for other reasonable causes. § 2. Clerics holding benefices, offices, or dignities may also, for a certain time, be prohibited from exercising some ministry connected with them, e.g., the ministry of preaching, hearing confessions, etc. § 3. A cleric cannot be deprived of a benefice or pension by virtue of which he was ordained, unless provision is made for his honest support from elsewhere, except as prescribed in canons 2303 and 2304. CANON 2300. If a cleric gives grave offense and does not amend after being warned, and the offense cannot otherwise be removed, he may be temporarily deprived of the right to wear the ecclesiastical habit; this deprivation carries with it the prohibition of exercising any ecclesiastical ministry and the deprivation of clerical privileges. CANON 2302. Neither can the Ordinary prescribe that a cleric reside in a certain place, outside the boundaries of his diocese, unless the consent of the Ordinary of that place is obtained, or unless it is a matter of a house of penance or reformation intended for clerics, both diocesan and non-diocesan, or a religious house exempt, with the consent of its Superior. CANON 2302. Both the prohibition and the obligation to reside in a certain place, and the assignment to a house of penance or a religious house, especially if for a long time,

[*Latin ed. p. 436*]

The norms of Canon Law 436 are to be imposed only in grave cases, in which, according to the prudent judgment of the Ordinary, these penalties are necessary for the correction of the cleric or for the reparation of scandal.

CAN. 2303. § 1. Deposition, which entails firm obligations arising from the received order and clerical privileges, involves both suspension from office, and incapacity to exercise any offices, dignities, benefices, pensions, or functions in the Church, as well as the deprivation of those things which the guilty party possesses, even if he received them by virtue of his ordination.

§ 2. But in this last case, if the cleric is truly in need, the Ordinary, out of charity, should take care to provide for him in the best way possible, so that he may not be forced to beg, which would bring disgrace to the clerical state.

§ 3. The penalty of deposition cannot be imposed except in cases expressly prescribed by law.

CAN. 2304. § 1. If a cleric who has been deposed does not show signs of amendment, and especially if he continues to cause scandal, and does not heed the warning, the Ordinary can permanently deprive him of the right to wear the ecclesiastical habit.

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§ 2. This deprivation entails the deprivation of clerical privileges and the cessation of the prescription of canon 2303, § 2.

CAN. 2305. § 1. Degradation includes deposition, permanent deprivation of the ecclesiastical habit, and the reduction of the cleric to the lay state.

§ 2. This penalty can only be imposed for a crime expressly specified in the law, or if the cleric, already deposed and deprived of the ecclesiastical habit, continues to cause a grave scandal for a year.

§ 3. There is a verbal or edictal penalty, which is imposed solely by sentence, but which nevertheless has all its legal effects immediately, without any execution; there is also a real penalty, if the ceremonies prescribed in the Pontifical Roman are observed.

TITLE X. Of Penal Remedies and Penances.

CHAPTER I. Of Penal Remedies.

CAN. 2306.

CAN. 2307.

Penal remedies are: 1.° Admonition; 2.° Correction; 3.° Precept; 4.° Vigilance.

The Ordinary should admonish, either personally or through an intermediary, the one who is in imminent danger of committing a crime, or in whom, after an investigation has been completed, a serious suspicion of having committed a crime falls.

[*Latin ed. p. 437*]

Book Fifth - Of Delicts and Penalties

CAN. 437 2308. If scandal or a disturbance of a grave nature arises from the conduct of someone, it is fitting that correction be administered, by the Ordinary, either by himself or through an intermediary, even by letter, with conditions adapted to the person and the matter in question.

CAN. 2309. § 1. Both admonition and correction may be either public or private.

§ 2. Public correction or admonition is given either in the presence of a notary or two witnesses, or by letter, provided that proof exists of the receipt and content of the letter.

§ 3. Public correction can only be administered against one who has been convicted or has confessed to a delict; and it is judicial if administered by a judge presiding over a tribunal, or by the Ordinary before a criminal proceeding.

§ 4. Judicial correction serves either in place of a penalty, or to increase the penalty, especially if the case involves a recidivist.

§ 5. Of both admonition and correction, even if they are given in secret, there must be a record in a secret archive of the Curia.

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§ 6. Both correction and admonition may be administered once or multiple times, according to the judgment and prudence of the Superior.

CAN. 2310. When admonitions and corrections have been given without effect, or if it is not permissible to expect any effect from them, a precept is given, in which it is clearly indicated what must be done or avoided, along with a threat of a penalty in case of transgression.

CAN. 2311. § 1. If the gravity of the case warrants it, and especially if it concerns someone who is in danger of relapsing into the same crime, the Ordinary shall subject him to surveillance.

§ 2. Surveillance may also be prescribed to increase the penalty, especially in the case of recidivists.

CHAPTER II. Of Penances.

CAN. 2312. § 1. Penances are imposed in the external forum so that the offender may either avoid the penalty, or receive absolution or dispensation from the penalty incurred.

§ 2. No public penance shall ever be imposed for a hidden delict or transgression.

§ 3. Penances are to be moderated not so much according to the quantity of the delict, as according to the contrition of the penitent, taking into account the qualities of the persons and the delicts involved.

[*Latin ed. p. 438*]

438. Codex Iuris Canonici, Canon 2313. § 1. Praecipuae poenitentiae sunt praecepta: 1.° Recitandi determinatas preces; 2.° Peragendi piam aliquam peregrinationem vel alia pietatis opera; 3.° Servandi peculiare ieiunium; 4.° Erogandi eleemosynas in pios usus; 5.° Peragendi exercitia spiritualia in pia aut religiosa domo per aliquot dies. § 2. Poenitentias Ordinarius pro sua prudentia addere potest poenali remedio monitionis et correptionis.

PARS TERTIA DE PENIS IN SINGULA DELICTA

TITULUS XI. De delictis contra fidem et unitatem Ecclesiae.

CAN. 2314. § 1. Omnes a christiana fide apostatae et omnes et singuli haeretici aut schismatici: 1.° Incurrunt ipso facto excommunicationem; 2.° Nisi moniti resipuerint, priventur beneficio, dignitate, pensione, officio aliove munere, si quod in Ecclesia habeant, infames declarentur, et clerici, iterata monitione, deponantur; 3.° Si sectae acatholicae nomen dederint vel publice adhaeserint, ipso facto infames sunt et, firmo praescripto can. 188, n. 4, clerici, monitione incassum praemissa, degradentur. § 2. Absolutio ab excommunicatione de qua in § 1, in foro conscientiae impertienda, est speciali modo Sedi Apostolicae reservata. Si tamen delictum apostasiae, haeresis vel schismatis ad forum externum Ordinarii loci quovis modo deductum fuerit, etiam per voluntariam confessionem,

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idem Ordinarius, non vero Vicarius Generalis sine mandato speciali, resipiscentem, praevia abiuratione iuridice peracta aliisque servatis de iure servandis, sua auctoritate ordinaria in foro exteriore absolvere potest; ita vero absolutus, potest deinde a peccato absolvi a quolibet confessario in foro conscientiae. Abiuratio vero habetur iuridice peracta cum fit coram ipso Ordinario loci vel eius delegato et saltem duobus testibus.

CAN. 2315. Suspectus de haeresi, qui monitus causam suspicionis non removeat, actibus legitimis prohibeatur, et clericus praeterea, repetita inutiliter.

[*Latin ed. p. 439*]

Book Fifth - On Crimes and Penalties 439, upon admonition, be suspended from divine offices; and if, within six months from the completion of the imposed penalty, he does not show signs of amending his error concerning heresy, he shall be considered as a heretic, subject to the penalties for heretics.

CAN. 2316. He who, in any way, knowingly and willingly aids the propagation of heresy, or who participates in divine services with heretics, contrary to the prescription of canon 1258, is suspected of heresy.

CAN. 2317. Those who pertinaciously teach or defend, publicly or privately, doctrines which have been condemned by the Apostolic See or by a General Council, but not as formally heretical, are to be forbidden from the ministry of preaching the Word of God, from hearing sacramental confessions, and from any teaching office, with the reservation of other penalties which the sentence of condemnation may impose, or which the Ordinary, after admonition, may deem necessary to repair the scandal.

CAN. 2318. § 1. Those who, by a public act, incur, by the very act, an excommunication reserved in a special manner to the Apostolic See: editors of books of apostates, heretics, and schismatics, who promote apostasy, heresy, or schism; also, those who defend or, knowingly and without due license, read or retain those same books or other books specifically prohibited by apostolic letters.

§ 2. Authors and editors who, without due license, cause to be printed books of the Holy Scriptures or their annotations or commentaries, incur, by the very act, an excommunication not reserved to anyone.

CAN. 2319. § 1. The following are subject to a general sentence of excommunication reserved to the Ordinary:

1. He who enters into marriage before an acatholic minister, contrary to the prescription of canon 1063;

2. He who unites in marriage with a pact, explicit or implicit, that all or some of the offspring will be raised outside the Catholic Church;

3. He who knowingly presumptuously offers to acatholic ministers children to be baptized;

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4. Parents or those who take the place of parents, who knowingly entrust their children to be educated or instructed in an acatholic religion.

§ 2. Those mentioned in § 1, nos. 2-4, are furthermore suspected of heresy.

TITLE XII. On Crimes Against Religion.

CAN. 2320. He who rejects or perverts consecrated species, or uses them for a wicked purpose, or retains them, is suspected of heresy; he incurs a general sentence of excommunication reserved in a special manner to the Apostolic See; he is, by the very act, infamous, and, if a cleric, is to be deposed.

[*Latin ed. p. 440*]

440. Codex Iuris Canonici, CAN. 2321. Sacerdotes qui contra praescripta canonum 806 et 808 praesumpserint, Missam eodem die iterare vel eam celebrare non ieiuni, suspendantur a Missae celebratione ad tempus ab Ordinario, secundum diversa rerum adiuncta praefiniendum.

CAN. 2322. Ad ordinem sacerdotalem non promotus: 1.° Si Missae celebrationem simulaverit aut sacramentalem confessionem exceperit, excommunicationem ipso facto contrahit, speciali modo Sedi Apostolicae reservatam; et insuper laicus quidem privetur pensione aut munere, si quod habeat in Ecclesia, aliisque poenis pro gravitate culpae puniatur; clericus vero deponatur; 2.° Si alia munia sacerdotalia usurpaverit, ab Ordinario pro gravitate culpae puniatur.

CAN. 2323. Qui blasphemaverit vel periurium extra iudicium commiserit, prudenti Ordinarii arbitrio puniatur, maxime clericus.

CAN. 2824. Qui deliquerint contra praescriptum canonum 827, 828, 840, § 1, ab Ordinario pro gravitate culpae puniantur, non exclusa, si res ferat, suspensione aut beneficii vel officii ecclesiastici privatione, vel, si de laicis agatur, excommunicatione.

CAN. 2325. Qui superstitionem exercuerit vel sacrilegium perpetraverit, pro gravitate culpae ab Ordinario puniatur, salvis poenis iure statutis contra aliquos actus supersticiosos vel sacrilegia.

CAN. 2326. Qui falsas reliquias conficit, aut scienter vendit, distribuit vel publicae fidelium venerationi exponit, ipso facto excommunicationem Ordinario reservatam contrahit.

CAN. 2327. Quaestum facientes ex indulgentiis plectuntur ipso facto excommunicatione Sedi Apostolicae simpliciter reservata.

CAN. 2328. Qui cadavera vel sepulcra mortuorum ad furtum vel alium malum finem violaverit, interdicto personali puniatur, sit ipso facto infamis, et clericus praeterea deponatur.

CAN. 2329. Ecclesiae vel coemeterii violatores, de quibus in canonibus 1172, 1207, interdicto ab ingressu ecclesiae aliisque congruis poenis ab Or-

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dinario pro gravitate delicti puniantur.

[*Latin ed. p. 441*]

Book Fifth - On Delicts and Penalties 441 TITLE XIII. On delicts against authorities, persons, and ecclesiastical things.

CAN. 2330. With regard to the penalties established for delicts committed in the election of the Supreme Pontiff, reference must be made solely to the Constitution *Vacante Sede Apostolica*, of Pope Pius X, dated December 25, 1904.

CAN. 2331. § 1. Those who pertinaciously do not obey the Roman Pontiff, or their own Ordinary, when they legitimately command or prohibit something, shall be punished with suitable penalties, censures not excluded, according to the gravity of the offense.

§ 2. Those who conspire against the authority of the Roman Pontiff, or of his Legate, or of their own Ordinary, or against their legitimate mandates, and who also incite subordinates to disobedience towards them, shall be restrained by censures or other penalties; and, if clerics, they shall be deprived of dignities, benefices, or other offices; and, if religious, they shall be deprived of their active and passive vows and of their office.

CAN. 2332. All and each, whatever their status, degree, or condition, even if royal, episcopal, or cardinal, who appeal to secular power to impede letters or acts issued by the Roman Pontiff, or by his Legates, or to directly or indirectly prevent their promulgation or execution, or who, for that reason, harm, terrify, or intimidate those to whom the letters or acts pertain, or others, incur, by such action, excommunication reserved in a special manner to the Apostolic See; and, likewise, Universities, Colleges, Chapters, and other moral persons, whatever their name may be, incur an interdict reserved in a special manner to the Apostolic See.

CAN. 2333. Those who appeal to secular power to impede letters or acts of any kind issued by the Apostolic See or by its Legates, or who directly or indirectly prevent their promulgation or execution, or who, for that reason, harm, terrify, or intimidate those to whom the letters or acts pertain, or others, incur, by such action, excommunication reserved in a special manner to the Apostolic See.

CAN. 2334. Those are excommunicated with a sentence reserved in a special manner to the Apostolic See: 1.° Those who enact laws, mandates, or decrees contrary to the liberty or rights of the Church; 2.° Those who directly or indirectly impede the exercise of ecclesiastical jurisdiction, whether in the internal or external forum, appealing for this purpose to any secular power.

CAN. 2335. Those who give the name to the Masonic sect, or to other associations of the same kind, which plot against the Church or against

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legitimate civil authorities, are subject to the same penalties.

[*Latin ed. p. 442*]

442. Those who, by their very actions, commit offenses against the Holy See, incur, by the same fact, a simple excommunication reserved to the Apostolic See. C. 2336, § 1. Clerics who have committed offenses of which mention is made in canons 2334 and 2335, besides the penalties prescribed by the aforementioned canons, are subject to the penalty of suspension or deprivation of their benefice, office, dignity, pension, or any other position they may hold in the Church; religious, however, are subject to the penalty of deprivation of office and of active and passive vows, and to other penalties, according to the norms of the constitutions. § 2. Furthermore, clerics and religious who give their names to Masonic lodges and other similar associations must be reported to the Sacred Congregation of the Holy Office. C. 2337, § 1. If a parish priest, in order to impede the exercise of ecclesiastical jurisdiction, has dared to incite disturbances, to promote public subscriptions for his own benefit, to stir up the people with sermons or writings, or to engage in similar actions, he shall be punished, according to the gravity of the offense, at the prudent judgment of the Ordinary, without excluding, if the circumstances warrant, suspension. § 2. In the same way, the Ordinary shall punish a priest who, in any way, incites a crowd to impede the entrance into the parish of a priest legitimately appointed as pastor or administrator. C. 2338, § 1. Those who, without due authorization, presume to absolve from a special or particularly reserved excommunication, incur, by the same fact, a simple excommunication reserved to the Apostolic See. § 2. Those who provide any assistance or favor to an excommunicated person, in order to avoid the offense for which he was excommunicated; and also clerics who knowingly and freely communicate with an excommunicated person in divine matters, and who receive him in divine offices, incur, by the same fact, a simple excommunication reserved to the Apostolic See. § 3. Clerics who knowingly celebrate or cause to be celebrated divine services in prohibited places, or who admit to celebrating divine services those clerics who have been excommunicated, interdicted, or suspended after a declaratory or condemnatory sentence, are subject, by law, to the interdict from entering the church, until they have made suitable amends, at the discretion of the one whose sentence they have disregarded. § 4. Those who have caused an interdict to be imposed locally, or upon a community or college, are, by the same fact, personally subject to the interdict. C. 2339. Those who have dared to order or compel the ecclesiastical burial of non-believers, apostates from the faith, or heretics, schismatics, or others, whether excommunicated or interdicted, contrary to the prescription of canon 1240, § 1, incur a general excommunication; those, however, who spontaneously grant burial to such persons, are subject to an

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interdict from entering the church, reserved to the Ordinary.

[*Latin ed. p. 443*]

Book Fifth - Of Delicts and Penalties

CAN. 443 2340. § 1. If anyone, with a hardened heart, has remained unrepentant for a year under the censure of excommunication, he is suspected of heresy.

§ 2. If a cleric perseveres for six months under the censure of suspension, he shall be gravely warned; and if, after a month from the warning, he does not cease his obstinacy, he shall be deprived of benefices or offices, if he holds any in the Church.

CAN. 2 3 4 1. If anyone has dared, contrary to the prescription of canon 120, to bring someone from the Holy Roman Church before a lay judge, whether he be a Cardinal or a Legate of the Apostolic See, or a Major Official of the Roman Curia for matters pertaining to their office, or a proper Ordinary, he incurs, by this very act, excommunication reserved in a special manner to the Apostolic See; if another Bishop, even merely titular, or an Abbot or Prelate of nullius, or any Superior of religious orders under pontifical jurisdiction, he incurs excommunication of the broader kind, reserved to the Apostolic See; finally, if, without obtaining permission from the local Ordinary, another person enjoying the privilege of the forum is brought before a court, a cleric incurs, by this very act, suspension from office reserved to the Ordinary, while a layperson shall be punished with appropriate penalties for the gravity of the offense by his own Ordinary.

CAN. 2342. Those who incur, by this very act, excommunication reserved in a simple manner to the Apostolic See are:

1. Those who violate the enclosure of nuns, of whatever kind, condition, or sex, by entering their monasteries without legitimate permission, as well as those who introduce or admit them; and if they are clerics, they are furthermore suspended for a time proportionate to the gravity of the offense, to be determined by the Ordinary.

2. Those who violate the enclosure of religious women and Superiors, and whoever introduces or admits them, of whatever age; and furthermore, religious who introduce or admit them shall be deprived of their office, if they hold one, and of their active and passive votes.

3. Nuns who illegally leave the enclosure, contrary to the prescription of canon 601.

CAN. 2343. § 1. Whoever commits violence with his hands against the person of the Roman Pontiff:

1. Incurs excommunication latae sententiae, reserved in a most special manner to the Apostolic See; and is, by this very act, to be avoided.

2. Is, by this very fact, infamous; a cleric is to be degraded.

§ 2. Whoever commits violence against the person of a Cardinal of the

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Holy Roman Church or a Legate of the Roman Pontiff:

1. Incurs excommunication latae sententiae, reserved in a special manner to the Apostolic See.

2. Is, by this very fact, infamous.

[*Latin ed. p. 444*]

444 Codea; Canon Law, 3rd: Let him be deprived of benefices, offices, dignities, pensions, and any office he may hold in the Church. § 3. He who acts against the person of a Patriarch, Archbishop, Bishop, even a titular one, incurs excommunication of the latæ sententiæ, reserved in a special manner to the Apostolic See. § 4. He who acts against the person of other clerics or of religious of either sex, is subject to excommunication reserved to the proper Ordinary, who, furthermore, if the circumstances warrant, may punish him with other penalties, according to his prudent judgment. CAN. 2344. He who has injured, in public newspapers, sermons, writings, or directly or indirectly, the Roman Pontiff, a Cardinal of the Holy Roman Church, a Legate of the Roman Pontiff, the Sacred Roman Congregations, the tribunals of the Apostolic See, and their higher officials, or who has stirred up animosity or hatred against their acts, decrees, decisions, or sentences, shall be compelled by the Ordinary, not only at the instance of the injured party, but also ex officio, to make satisfaction through penances, or with other suitable penalties or penances, for the gravity of the offense and the reparation of the scandal. CAN. 2345. Those who usurp or retain, either by themselves or through others, goods or rights belonging to the Roman Church, are subject to excommunication of the latæ sententiæ, reserved in a special manner to the Apostolic See; and if they are clerics, they shall be, furthermore, deprived of dignities, benefices, offices, and pensions, and declared incapable of holding them. CAN. 2346. If anyone presumptuously converts to his own use, or usurps, ecclesiastical goods of any kind, whether movable or immovable, whether corporeal or incorporeal, or hinders those to whom they rightfully belong from receiving their fruits or revenues, he shall be subject to excommunication as long as he does not restore the said goods in their entirety, remove the aforementioned impediment, and then obtain absolution from the Apostolic See; and if he is the patron of that church or of those goods, he shall, by the same fact, be deprived of the patronage. Furthermore, a cleric who commits or consents to this offense shall, in addition, be deprived of any benefice, declared incapable of holding any office, and the execution of his orders shall be suspended at the discretion of his Ordinary, even after complete satisfaction and absolution. CAN. 2347. By nullity of act and obligation, even through the imposition of a penance, he is bound to restore the goods improperly acquired and to repair any damage caused, who has presumed to alienate ecclesiastical goods or to give consent to their alienation, contrary to the prescriptions of canon 534, § 1, and canon 1532: 1°. If the matter

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in question is of a value not exceeding one thousand livres, he shall be punished with suitable penalties by the legitimate ecclesiastical superior.

[*Latin ed. p. 445*]

Book Fifth - On Delicts and Penalties 445 2.° If the matter in question has a value exceeding one thousand, but less than thirty thousand livres, the patron shall be deprived of the right of patronage; the administrator, of the office of administrator; the religious superior or economist, of his own office and capacity for other offices, in addition to other suitable penalties to be imposed by the Superiors; and the Ordinary and other clerics holding office, benefice, dignity, or function in the Church, shall pay double to the benefit of the Church or the injured pious cause; other clerics shall be suspended for a time to be determined by the Ordinary; 3.° If the apostolic mandate, prescribed in the aforementioned canons, has been knowingly disregarded, all those who are guilty in any way, whether by giving, receiving, or consenting, shall incur, moreover, excommunication *latae sententiae*, reserved to no one.

CAN. 2348. He who has obtained a legacy or donation for pious causes, either in his lifetime or by will, even through a trust, and fails to fulfill it, shall be compelled to do so by the Ordinary, even by censure.

CAN. 2349. Those who refuse to make legitimate payments according to canon 463, § 1, 1507, shall be punished by the prudent judgment of the Ordinary, until they have made satisfaction.

TITLE XIV. On Delicts against Life, Liberty, Property, Good Reputation, and Good Morals.

CAN. 2350. § 1. Those who procure an abortion, the mother not excepted, incur, upon the act being carried out, the excommunication *latae sententiae* reserved to the Ordinary; and if they are clerics, they shall moreover be deposed.

§ 2. Those who have inflicted wounds upon themselves, if death has resulted, shall be deprived of ecclesiastical burial according to canon 1240, § 1, n. 3; otherwise, they shall be forbidden from legitimate ecclesiastical acts, and if they are clerics, they shall be suspended for a time to be determined by the Ordinary, and removed from benefices or offices involving the care of souls, whether internal or external.

CAN. 2351. § 1. Saving the prescription of canon 1240, § 1, n. 4, those who perpetrate a duel, or simply provoke it, or accept it, or give any assistance or favor to it, as well as those who witness the duel and permit it, or who, as far as is in their power, do not prevent it, shall, whatever their dignity, incur, by the very fact, the excommunication simply reserved to the Apostolic See.

§ 2. Those who engage in duels, and those who are called their sponsors,

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shall moreover, by the very fact, be infamous.

[*Latin ed. p. 446*]

446. The Code of Canon Law, Canon 2352. By the very fact of the offense, all are excommunicated, regardless of their rank, who in any way compel either a man to embrace the clerical state, or a man or woman to enter religion, or to make either a solemn or simple, perpetual or temporary, religious profession.

Canon 2353. He who, with intent to marriage or for the purpose of lust, forcibly or deceitfully abducts a woman who is unwilling, or a woman of a minor age who, while consenting, is without the knowledge or against the will of her parents or guardians, shall be, by law, excluded from ecclesiastical acts, and moreover, shall be punished with other penalties according to the gravity of the offense.

Canon 2354. § 1. A layperson who has been legitimately condemned for the crime of homicide, the abduction of a minor of either sex, the sale of a person into slavery or for some other evil purpose, usury, robbery, qualified or unqualified theft of a very notable item, arson, or the malicious and very notable destruction of property, grievous mutilation or wounding, or violence, shall be, by law, excluded from ecclesiastical acts and from any office, if he holds any such office in the Church, under the firm obligation to repair the damages.

§ 2. A cleric, however, who commits any of the offenses mentioned in § 1, shall be punished by the ecclesiastical tribunal, according to the gravity of the offense, with penances, censures, deprivation of office and benefice, of dignity, and, if the case warrants, even deposition; and he who is guilty of homicide shall be degraded.

Canon 2355. If anyone, not by deed, but by words or writings, or by any other means, inflicts injury on another, or damages his good reputation, he may, according to Canon 1618 and 1938, be compelled to make due amends and to repair the damages; but he may also be punished with appropriate penalties and penances, without excluding, if the case concerns clerics and the circumstances warrant, suspension or removal from office and benefice.

Canon 2356. Bigamists, that is, those who, despite the conjugal bond, have attempted a second marriage, even if only a civil one, as they say, are, by the very fact, infamous; and if, after a warning from the Ordinary, they persist in this illicit union, they shall be excommunicated or subjected to a personal interdict, according to the gravity of the offense.

Canon 2357. § 1. Laypersons legitimately condemned for crimes against *sextum* committed with minors under the age of sixteen, or for rape, sodomy, incest/pimping, are, by the very fact, infamous, besides other

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penalties which the Ordinary may judge fit to inflict.

[*Latin ed. p. 447*]

Book Fifth - On Crimes and Penalties 447 § 2. Those who have committed the public crime of adultery, or who publicly live in concubinage, or who have been legitimately condemned for other crimes against the sixth commandment of the Decalogue, are excluded from ecclesiastical acts until they have given signs of true repentance. C A N. 2358. Clergy established in the minor orders, who have committed some crime against the sixth commandment of the Decalogue, shall be punished for the gravity of the offense, even with dismissal from the clerical state, if the circumstances of the offense suggest it, in addition to the penalties mentioned in canon 2357, if such penalties are applicable. C A N. 2359. § 1. Clergy, whether secular or religious, who are concubinaries, after a useless warning, shall be compelled to cease from the illicit union and to repair the scandal by suspension from divine offices, deprivation of the fruits of office, benefice, dignity, with the reservation of the prescription of canons 2176-2181. § 2. If they have committed a crime against the sixth commandment of the Decalogue with minors under the age of sixteen years, or adultery, rape, bestiality, sodomy, pimping, or incest with blood relatives or affine in the first degree, they shall be suspended, declared infamous, deprived of any office, benefice, dignity, function, if they have any, and in more serious cases, deposed. § 3. If they have otherwise offended against the sixth commandment of the Decalogue, they shall be restrained by appropriate penalties according to the gravity of the case, without exception of deprivation of office or benefice, especially if they are in charge of souls. TITLE XV. On the crime of forgery. C A N. 2360. § 1. All fabricators or forgers of letters, decrees, or transcripts of the Apostolic See, or those who knowingly use such letters, decrees, or transcripts, incur, by this very act, the special excommunication reserved to the Apostolic See. § 2. Clergy who commit the crime mentioned in § 1 shall, in addition to other penalties, be subject to penalties that may extend to the deprivation of benefice, office, dignity, and ecclesiastical pension; religious, however, shall be deprived of all offices that they hold in religion, both active and passive, in addition to other penalties prescribed in the constitutions of each order. CAN. 2361. If anyone, in petitions for a rescript from the Apostolic See or from the local Ordinary, has concealed the truth or presented falsehood through fraud or deceit, he may be punished by his Ordinary according to the gravity of the offense, with the reservation of the prescription of canon 45, 1054.

[*Latin ed. p. 448*]

448 C ode v Iuris Canonici CAN. 2362. Those who fabricate or falsify ecclesiastical documents, whether public or private, or who knowingly use such documents, shall be punished according to the gravity of the offense,

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in accordance with the firm prescription of canon 2406, § 1. CAN. 2363. Whoever, either by himself or through others, falsely accuses a confessor of the crime of solicitation before Superiors, incurs, by this very act, a special excommunication reserved to the Apostolic See, from which he cannot be absolved in any case, unless he formally retracts the false accusation, and makes amends for any damages that may have resulted from it, and is furthermore subjected to a grave and prolonged penance, in accordance with the firm prescription of canon 894. TITULUS X V I. Of offenses committed in the administration or reception of the Sacraments of others. CAN. 2364. A minister who has dared to administer the Sacraments to those who are, by law, either divine or ecclesiastical, prohibited from receiving them, shall be suspended from administering the Sacraments for a period to be determined by the Ordinary's prudent judgment, and shall be punished with other penalties according to the gravity of the offense, with specific penalties established by law for any offense of this kind. CAN. 2365. (A priest who, without having the right by law or by concession from the Roman Pontiff, has dared to administer the Sacrament of Confirmation, shall be suspended; but if he has presumed to exceed the limits of the permission granted to him, he shall be considered, by that very act, deprived of that permission. CAN. 2366. A priest who has presumed to hear sacramental confessions without the necessary jurisdiction, is, by this very act, suspended from the administration of the Sacraments; but he who has absolved from reserved sins, is, by this very act, suspended from hearing confessions. CAN. 2367. § 1. He who absolves, or pretends to absolve, a person complicit in a heinous sin, incurs, by this very act, a special excommunication reserved to the Apostolic See; and this also applies if, in the hour of death, another priest, even if not approved to hear confessions, can, without serious imminent infamy or scandal, receive the confession of the dying person, unless the dying person refuses to confess to another. § 2. The absolver, or one who pretends to absolve, a person complicit in sin, does not escape this excommunication if the complicity in the sin has not yet been...

[*Latin ed. p. 449*]

Book Fifth - On Crimes and Penalties 449 is absolved, but does not confess; and he behaves in this way because he has been induced to do so, either directly or indirectly, by an accomplice, the confessor. CAN. 2368. § 1. He who commits the crime of solicitation, of which mention is made in canon 904, shall be suspended from celebrating the Mass and from hearing sacramental confessions, or, depending on the gravity of the offense, may be declared incapable of receiving them; he shall be deprived of all benefices, dignities, and the active and passive right to exercise them, and shall be declared incapable of exercising them; and in more serious cases, he may also be subjected to degradation. § 2. A layperson who knowingly fails to

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report, within one month, the person who solicited him, in violation of canon 904, incurs a censure of excommunication of the latæ sententiæ type, reserved to no one, and shall not be absolved unless after having fulfilled the obligation, or having seriously promised to do so. CAN. 2369. § 1. The confessor who presumptuously violates the seal of the sacrament, remains under excommunication reserved in a special manner to the Apostolic See; but he who does so only indirectly, is subject to the penalties mentioned in canon 2368, § 1. § 2. Whoever recklessly violates the prescription of canon 889, § 2, shall be punished with a salutary penalty, which may even be excommunication, according to the gravity of the offense. CAN. 2370. The bishop who consecrates someone as a bishop, the assisting bishops or presbyters, and he who receives the consecration without an apostolic mandate, in violation of canon 953, are, by law, suspended until the Apostolic See grants them a dispensation. CAN. 2371. All, even those who have been raised to the dignity of bishop, who, through simony, have knowingly been promoted to the orders, or have been promoted, or have administered or received other sacraments, are suspected of heresy; furthermore, clerics incur a suspension reserved to the Apostolic See. CAN. 2372. Those who, by their actions, incur a suspension from divine office reserved to the Apostolic See, are those who presume to receive orders from someone who is excommunicated, or suspended, or interdicted after a declaratory or condemnatory sentence, or from a notorious apostate, heretic, or schismatic; but he who has been legitimately ordained by any of these, shall abstain from the exercise of the order thus received until a dispensation is granted. CAN. 2373. Those who, by their actions, incur a suspension for one year from the collation of orders reserved to the Apostolic See, are those mentioned in: ACTA, vol. IX, Part II. 29.

[*Latin ed. p. 450*]

450. Codex Iuris Canonici, Title I: 1°. Those who, contrary to the prescription of canon 955, have ordained a subject who is not their own, without the proper dismissal letters; 2°. Those who have ordained a subject who rightfully belongs to them, but who has remained elsewhere for so long that he could have incurred a canonical impediment there, contrary to the prescription of canons 993 and 994; 3°. Those who have promoted someone to the higher orders without a canonical title, contrary to the prescription of canon 974, § 1, n. 7; 4°. Those who, except in cases of a legitimate privilege, have promoted a religious to a family that belongs outside the territory of the one ordaining, even with the dismissal letters of his own Superior, unless it has been legitimately proven that one of the cases mentioned in canon 966 has occurred.

CAN. 2374. He who, without letters of dismissal, or with false letters of dismissal, or before the canonical age, or by jumping steps, has entered a religious order maliciously, is, by this very act, suspended from the recep-

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tion into that order; but he who has done so without testimonial letters, or while subject to some censure, irregularity, or other impediment, shall be punished with severe penalties, according to the circumstances of the case.

CAN. 2375. Catholics who have dared to enter into a mixed marriage, although valid, without the dispensation of the Church, remain, by this very act, excluded from all legitimate ecclesiastical and sacramental acts, until they have obtained a dispensation from the Ordinary.

TITLE XVII. Of Delicts Against the Obligations Proper to the Clerical or Religious State.

CAN. 2376. Priests who have neither been dispensed by the Ordinary, nor are subject to a legitimate impediment, and who refuse to undergo the examination mentioned in canon 130, shall be compelled by the Ordinary to do so, with appropriate penalties.

CAN. 2377. Priests who are contumacious contrary to the prescription of canon 131, shall be punished by the Ordinary according to his prudent judgment; and if they are religious confessors not exercising the care of souls, they shall be suspended from hearing the confessions of the laity.

CAN. 2378. Deacons and priests who, in the sacred ministry, negligently disregard the rites and ceremonies prescribed by the Church, and after being warned, do not amend, shall be suspended, according to the gravity of the offense.

CAN. 2379. Clerics who, contrary to the prescription of canon 136, do not wear the ecclesiastical habit and clerical tonsure, shall be severely admonished; if they do not amend, they shall be [subject to further disciplinary action].

[*Latin ed. p. 451*]

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451. For those clerics who are of lesser rank, a period of one month from the warning shall be observed, according to the prescription of canon 136, § 3; but clerics of higher rank, with the exception of the prescription of canon 188, n. 7, shall be suspended from the reception of ecclesiastical orders, and if they, having been duly warned, do not return to the proper way of life, but instead pass over to a way of life manifestly foreign to their clerical state, they shall be deposed after three months from this last warning.

CANON 2380. Clerics or religious who engage in trade or business, either personally or through others, contrary to the prescription of canon 142, shall be corrected by the Ordinary with suitable penalties, proportionate to the gravity of the offense.

CANON 2381. Whoever holds an office, benefice, or dignity with the obligation of residence, if he is absent without legitimate cause: 1.° He is, by that very fact, deprived of all the fruits of his benefice or office in proportion to the illegitimate absence, and he must deliver these to the Ordinary, who

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shall distribute them to the Church, or to some pious institution, or to the poor; 2.° He shall be deprived of the office, benefice, or dignity, according to canons 2168-2175.

CANON 2382. If a parish priest gravely neglects the administration of the Sacraments, the assistance of the sick, the instruction of children and the people, preaching on Sundays and other feast days, the care of the parish church, the Most Holy Eucharist, and the sacred oils, he shall be corrected by the Ordinary, according to canons 2182-2185.

CANON 2383. A parish priest who does not diligently record or preserve the parish books, according to the law, shall be punished by his own Ordinary for the gravity of the offense.

CANON 2384. A Bishop, in the case of a canon theologian or penitentiary who neglects the duties of his office, shall first urge him with warnings, then with the threat of penalties, and then with the reduction of a portion of the fruits assigned to those who will supply his place; and if, after a warning, the negligence persists for an entire year, he shall be subjected to suspension from the benefice; and if the negligence continues for another six months, he shall be deprived of the benefice itself.

CANON 2385. According to the firm prescription of canon 646, a religious who has apostatized from his religion incurs, by law, excommunication, and is excluded from all legitimate ecclesiastical acts, deprived of all the privileges of his religion, reserved to his Major Superior, or, if the religion is lay or not exempt, to the Ordinary of the place where he resides. And if he returns, he shall be forever deprived of both active and passive voice, and furthermore, he must be punished with other penalties, proportionate to the gravity of the offense, by his Superiors, according to the constitutions.

[*Latin ed. p. 452*]

452 Codex Iuris Canonici, CAN. 2386. A religious person who flees incurs, by the very fact, the deprivation of office, if he holds one, and a suspension reserved to his proper Superior, if he is engaged in sacred duties; but upon his return, he shall be punished according to the constitutions, and if the constitutions contain nothing on this matter, the Superior shall inflict penalties according to the gravity of the offense. CAN. 2387. A religious cleric whose profession has not been declared invalid due to a fault, if he has been ordained to the lesser orders, is removed from the clerical state; if he has been ordained to the higher orders, he remains suspended by the very fact, until the Apostolic See has otherwise decided. CAN. 2388. § 1. Clerics engaged in sacred duties, or religious, both men and women, after the solemn vow of chastity, and all those who, presuming to contract marriage, even civilly, with any of the aforementioned persons, incur the excommunication of the latae sententiae, simply reserved to the Apostolic See; furthermore, clerics, if warned by the Ordinary within a time limit

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established for the diversity of circumstances, do not amend their ways, shall be degraded, according to the firm prescription of canon 188, n. 5. § 2. But if they have professed the simple, perpetual vows, both in Orders and in religious Congregations, all of them, as above, incur the excommunication of the latae sententiae, reserved to the Ordinary. CAN. 2389. Religious persons who violate the law of common life prescribed by the constitutions in a notable matter shall be gravely warned, and, if they do not amend, shall also be punished by the deprivation of active and passive voice, and, if they are Superiors, also of office. TITLE XVIII. Of offenses in the collation, acceptance, and dismissal of ecclesiastical dignities, offices, and benefices. CAN. 2390. § 1. Those who, in any way, impede ecclesiastical elections, either by themselves or through others, or electors or the elected, who, after the canonical election, are burdened by it in any way, shall be punished according to the manner of the offense. § 2. But if laypersons or secular authorities presume to improperly interfere with an election to be carried out by a college of clerics or religious, contrary to canonical freedom, the electors who solicited or spontaneously admitted this interference are, by the very fact, deprived of the right to elect for that occasion; but those who knowingly consent to such an election are, by the very fact, rendered incapable of holding the office or benefice in question.

[*Latin ed. p. 453*]

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CAN. 2391. § 1. A college which knowingly elects an unworthy candidate is, by that very act, deprived of the right to proceed with a new election for that occasion.

§ 2. Individual electors who knowingly fail to observe the essential form of the election may be punished by the Ordinary, according to the gravity of the offense.

§ 3. Clergy or laity who knowingly present or nominate an unworthy candidate are, for that occasion, deprived of the right to present or nominate.

CAN. 2392. In accordance with the firm prescription of canon 729, those who commit the crime of simony in any ecclesiastical office, benefice, or dignity:

1.° Incur the excommunication of the broader kind, reserved simply to the Apostolic See;

2.° Are, by that very act, perpetually deprived of the right to elect, present, or nominate, if they possess such a right;

3.° If they are clergy, they are, moreover, suspended.

CAN. 2393. All who legitimately enjoy the right to elect, present, or nominate, if, neglecting the authority of him to whom the confirmation or institution pertains, they presumptuously confer an ecclesiastical office, benefice,

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or dignity, are, by that very act, deprived of that right for that occasion.

CAN. 2394. Whoever occupies an ecclesiastical benefice, office, or dignity by his own authority, or, having been elected, presented, or nominated to it, enters into possession or administration thereof before receiving the necessary letters of confirmation or institution and showing them to those to whom they are rightfully due:

1.° Is, by that very act, rendered incapable of holding the same, and, moreover, shall be punished by the Ordinary according to the gravity of the offense;

2.° By suspension, deprivation of the benefice, office, or dignity previously held, and, if the circumstances warrant, even by deposition, he shall be compelled to withdraw immediately from the occupation of the benefice, office, or dignity, and from its administration or government, after a warning has been given;

3. Chapters, convocations, and all others to whom such elected, presented, or nominated individuals pertain, who admit such individuals before the presentation of the letters, are, by that very act, suspended from the right to elect, nominate, or present, at the discretion of the Apostolic See.

CAN. 2395. Whoever knowingly accepts the conferral of an office, benefice, or dignity that is not legitimately vacant, and allows himself to be admitted into its possession, is, by that very act, rendered incapable of acquiring the same in the future, and shall be punished with other penalties according to the manner of the offense.

[*Latin ed. p. 454*]

454 Codex Iuris Canonici, CAN. 2396: A cleric who, having obtained peaceful possession of an office or benefice, presumes to retain it while incompatible with a prior office, and also to disregard the prescription of canons 156 and 1439, is, by law, deprived of both.

CAN. 2397: If anyone, being promoted to the dignity of cardinal, refuses to take the oath, of which mention is made in canon 234, he remains perpetually deprived of the dignity of cardinal.

CAN. 2398: If anyone, being promoted to the episcopate, neglects to receive consecration within three months, contrary to the prescription of canon 333, he does not enjoy the fruits of his office; the revenues of the cathedral church are to be applied to that purpose; and if, after that, he persists in the same negligence for as many months, he remains, by law, deprived of the episcopate.

CAN. 2399: Clerics who presume to abandon the office entrusted to them by their own Ordinary, without the license of the same Ordinary, are suspended from divine offices for a time, by the Ordinary, according to the circumstances to be determined.

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CAN. 2400: A cleric who presumes to resign an ecclesiastical office, benefice, or dignity to laymen, is, by that very act, subject to suspension from divine offices.

CAN. 2401: If anyone, despite a legitimate deprivation or removal, persists in holding an office, benefice, or dignity, or unjustly delays in relinquishing it, he shall be compelled to abandon it, after a warning, by suspension from divine offices or other penalties, by deposition, if the circumstances warrant, without exception.

CAN. 2402: An abbot or prelate nullius who has not received the blessing, contrary to the prescription of canon 322, § 2, is, by that very act, suspended from jurisdiction.

CAN. 2403: Whoever, contrary to the prescription of canon 1406, neglects to make the profession of faith without a just impediment, shall be warned, and a suitable term shall also be specified; after that term has elapsed, the contumacious person shall be punished, even by deprivation of office, benefice, dignity, or function; and in the meantime, he does not enjoy the fruits of the benefice, office, dignity, or function.

[*Latin ed. p. 455*]

Book Fifth - On Delicts and Penalties 455. TITLE XIX. On the Abuse of Authority and Ecclesiastical Office.

CAN. 2404. The abuse of ecclesiastical authority, according to the prudent and lawful judgment of the Superior, shall be punished according to the gravity of the offense, saving the prescriptions of canons which establish a specific penalty for certain abuses.

CAN. 2405. The Vicar Capitular, or any other person, whether belonging to the Chapter or being an outsider, who shall have surreptitiously taken, destroyed, concealed, or substantially altered any document pertaining to the Episcopal Curia, either by themselves or through another, incurs, by this very act, the excommunication simply reserved to the Apostolic See, and may, by the Ordinary, also be deprived of office, benefice, or subjected to other penalties.

CAN. 2406. § 1. Whoever is bound by office to prepare, write, or preserve acts, documents, or books of ecclesiastical courts or parish books, and who shall presume to falsify, adulterate, destroy, or conceal them, shall be deprived of his office or subjected to other severe penalties by the Ordinary, according to the manner of the offense.

§ 2. Whoever, upon legitimate request, shall deliberately refuse to transcribe, transmit, or exhibit these acts, documents, or books, or in any other way shall betray his office, may be deprived of his office or suspended therefrom, and may be subjected to a fine at the discretion of the Ordinary, according to the gravity of the case.

CAN. 2407. Whoever shall attempt to induce ecclesiastical officials or

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administrators, judges, advocates, or procurators, by gifts or promises, to perform or omit an action contrary to their office, shall be punished with a suitable penalty, and shall be compelled to make reparation for any damages caused.

CAN. 2408. Those who, increasing or demanding more than the customary and legitimately approved taxes, according to canon 1507, shall be subject to a severe monetary fine, and recidivists shall be suspended from office or removed therefrom, according to the gravity of the offense, in addition to the obligation of restoring what has been unjustly received.

CAN. 2409. The Vicar Capitular who grants letters of dispensation for ordination contrary to the prescription of canon 958, § 1, n. 3, is, by this very act, subject to suspension from divine office.

CAN. 2410. Religious Superiors who, contrary to the prescription of canons 965-967, shall presume to send their subjects to be ordained by a foreign Bishop, are, by this very act, suspended for one month from the celebration of the Mass.

[*Latin ed. p. 456*]

456. Codex Iuris Canonici, CAN. 2411. Superiors of religious orders who have admitted a candidate to the novitiate who is not suitable, contrary to the prescription of canon 542, or who have admitted someone to profession without the required testimonial letters, contrary to the prescription of canon 544, or who have admitted someone to profession contrary to the prescription of canon 571, § 2, shall be punished according to the gravity of the offense, without excluding the deprivation of office.

CAN. 2412. The superiors of exempt religious orders also shall be punished by the local Ordinary, according to the gravity of the offense, without excluding, if the circumstances warrant, the deprivation of office:

1.° If they have presumptuously undertaken, in any way, to provide dowries for girls received, always with the obligation mentioned in canon 551, § 1.

2.° If they have failed to inform the local Ordinary, contrary to the prescription of canon 552, about the imminent admission of someone to the novitiate or to profession.

CAN. 2413. § 1. Superiors who have transferred religious to another house after a visitation, without the consent of the Visitor, and also all religious, whether superiors or subordinates, who, by themselves or through others, directly or indirectly, have induced religious to remain silent when questioned by the Visitor, or to conceal the truth in any way, or to give insincere answers, or who, because of the answers given to the Visitor, have caused them trouble, under any pretext, shall be declared incapable of holding offices that involve the governance of others by the Visitor, and the superiors shall be deprived of the office they hold.

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§ 2. What is prescribed in the preceding paragraph shall also apply to men's religious orders.

CAN. 2414. Superiors who have acted contrary to the prescriptions of canons 521, § 3, 522, 523, shall be admonished by the local Ordinary; if they offend again, they shall be punished by the same, with the immediate notification of the Sacred Congregation for Religious.

A. M. D. G. FINIS.

[*Latin ed. p. 457*]

DOCUMENT I. CONSTITUTION "Vacante Sede Apostolica," DECEMBER 25, 1904. When the Apostolic See is vacant, it is most grave and most holy to choose the supreme pastor and head of the Lord's flock, who, carefully and diligently providing for the proper governance of the Catholic Church, will succeed the blessed Peter and represent the person of Jesus Christ on earth. Our Predecessors, the Roman Pontiffs, understanding this, in every age have devoted vigilant care and diligent thought to that method and order which would be most fitting for the gravity of the matter and most appropriate. For this reason, many laws have been issued by them from time to time, that the matter itself might be completed properly, legitimately, and expeditiously; among which, the Constitutions promulgated by Pius I, Gregory XV, and Clement XII hold the foremost place. However, with the passage of time, it has come to pass that the laws concerning the election of the Roman Pontiff, which were instituted and promulgated by our Predecessors, have gradually increased in number and variety; and some, due to the changes of times and the customs of men, have become obsolete; so that it seems to require no small effort to determine which of these must be observed in the election of the Supreme Pastor. Therefore, wishing to prevent this inconvenience, we have considered it fitting to gather together all that our Predecessors have decreed concerning the election of the Roman Pontiff into a single Constitution, preserving, as far as possible, the prescriptions of the earlier Constitutions, and also retaining, although not always with uniform style, the words which venerable antiquity has sanctioned, but making some changes, as it seemed more suitable to us. And therefore, after long and mature deliberation, with certain knowledge and of our own accord, by the fullness of our Apostolic power, we decree this Constitution, which we establish to be valid perpetually in the future, by which the Sacred College of Cardinals, when the Roman See is vacant, shall alone use it in the election of the Roman Pontiff, and we declare that it alone shall have the force of law, abrogating all and each Constitutions and Decrees issued by the Roman Pontiffs on this matter, even those promulgated in general councils and included in the body of the law: except, however, for our Constitution "Commissum Nobis," of January 20 of the

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past year, concerning the civil Veto, or Exclusion, as it is called, in the election of the Supreme Pontiff, and the Constitution "Praedecessores Nostri" with the attached Instruction (commonly called the Regulation), given by the blessed and revered Leo XIII on May 24, 1879, for extraordinary and disturbed times, which, besides those things which are abrogated by this Constitution, we wish to remain in force in the future, as long as the Apostolic See is in the same condition.

[*Latin ed. p. 458*]

Codex Iuris Canonici 458 TITLE I. CONCERNING THE APOSTOLIC SEE BEING VACANT. CHAPTER I. Concerning the power of the College of Cardinals during the vacancy of the Apostolic See. 1. During the vacancy of the Apostolic See, the Sacred College of Cardinals has no power or jurisdiction whatsoever in those matters which pertained to the Supreme Pontiff while he lived, nor can it administer justice, nor demand the execution of any act made by the deceased Pontiff; but rather, it must reserve all such matters for the future Pontiff. Therefore, we decree that whatever power or jurisdiction pertains to the Roman Pontiff while he lives (unless expressly permitted in this Our Constitution) that the College of Cardinals itself may seem to exercise (during the same vacancy of the Church) is null and void. 2. Furthermore, we command that the Sacred Sacred College of Cardinals may not dispose of the rights of the Apostolic See and of the Roman Church in any way, nor may it attempt, either directly or indirectly, through the appearance of connivance, or through the concealment of actions, to infringe upon those same rights, even after the death of the Pontiff or during the time of the vacancy; rather, we will that it must, with all its power, strive to protect and defend them. 3. Laws promulgated by the Roman Pontiffs cannot, by the College of Cardinals of the Roman Church, be corrected, or changed in any way during the vacancy of the Church, nor can anything be taken away from them, or added to them, or dispensed with in any way concerning them or any part thereof. This applies especially to pontifical Constitutions promulgated for the purpose of regulating the business of the election of the Roman Pontiff. 4. If, however, any doubts arise concerning the meaning of the prescriptions contained in this Our Constitution, or even concerning the reason according to which they must be applied, or concerning any other matter in this Our Constitution, we decree and decide that the power to render a judgment on these matters belongs solely to the Sacred College of Cardinals; and we grant to the same Sacred College of Cardinals full power to interpret this Our Constitution and to declare doubts. In this matter, as in others concerning which deliberation may arise, except for the very act of election, it will be sufficient if the majority of the Cardinals present agree on the same judgment. 5. Likewise, in the case of an urgent matter, which, according to the vote of the majority of the Cardinals, 1 2 3 4 5 1 Pius IV, Constitution "In eligendis-", July

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14, 1562, § 6; Clement XII, Constitution "Apostolatus officium", October 4, 1732, § 6. 2 Clement V, in the Council of Vienne, chapter 2 "Ne Romani" in the preface to election, I, 3; Clement XIII, Constitution "Praedecessores Nostri", May 24, 1882. 4 Clement V, chapter 2 "Ne Romani" in the preface to election, I, 3; Gregory XV, Constitution "Aeterni Patris", December 17, 1621, § 20. 5 Clement XIII, Constitution "Praedecessores Nostri".

[*Latin ed. p. 459*]

459. The documents pertaining to the faction of the Cardinals, which cannot be postponed to another time, the Holy College, also according to the judgment of the majority, can and should determine the appropriate remedy.

CHAPTER II. Of the Congregations of Cardinals.

6. During the vacancy of the See, there should be two Cardinals' Congregations: one general, or of the entire College, and the other particular, consisting of three Cardinals of seniority, one from each Order, together with the Chamberlain, whose office expires entirely on the third day after the entrance of the Conclave; and in their place, three others following in any Order succeed them on the third day, together with the same Chamberlain.

7. We decree that in said particular Congregations, which may be held either before or after the beginning of the Conclave, only matters of minor importance, and those that arise daily or incidentally, should be dealt with. But if anything of greater importance or requiring investigation should arise, all of it must be referred to the general Congregation, or to the Holy College of Cardinals. Furthermore, what has been decreed, resolved, or denied in one particular Congregation, may not be revoked, changed, or granted in another, but only the general Congregation itself, by a majority of votes, has the right to do so.

8. In the Cardinals' Congregations, when matters of greater importance are being considered, votes should be given not orally, but by secret ballots.

9. Among the general Congregations, those held before the entrance into the Conclave are particularly worthy of mention, and these Congregations may be called preparatory.

10. The general preparatory Congregations should take place daily, from the day of the death of the Pope until the day when the Cardinals enter the Conclave, even on the days when the funeral ceremonies of the deceased Pope are being performed, and this is done so that the Cardinal Chamberlain may freely inquire about the opinion of the Holy College, and communicate with him what he judges to be necessary or appropriate; and so that each Cardinal may express his opinion on the matters at hand, ask for explanations on doubtful points, and propose what is appropriate.

11. In the aforementioned general Congregations, the following matters

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should be dealt with primarily: a) First of all, the present document, as well as the Constitution "Commissum Nobis" concerning the civil Veto or Exclusiva, as it is called, in the election of the Supreme Pontiff, which We have issued, and that of Leo XIII "Praedecessores Nostri," with the attached Instruction, should be read; and after they have been read, all Cardinals present should swear an oath, according to the prescription in Gregory X, in the general council of Lyons, chapter 3, "Ubi periculum," § 1 on the election, I, 6 in Sext.; Pius IV, Constitution "In eligendis," § 6; Clement XII, Constitution "Apostolatus officium," § 7; Pius IV, Constitution "In eligendis," §§ 7 and 8; Clement XII, Constitution "Apostolatus officium," § 7; Clement XII, Chirograph "Avendo Noi," December 21, 1732, n. 17.

[*Latin ed. p. 460*]

Canon 460 of the Code of Canon Law requires the following formula to be recited. All other Cardinals who arrive at the place of election later, whether they have already begun or not, are likewise required to recite this oath.

a) The Cardinals must promptly determine and arrange all matters necessary to begin the Conclave.

b) A date, hour, and manner must be established for the transfer of the body of the deceased Pope.

c) The Cardinals will ensure that all necessary preparations are made so that the funeral services for the Pope can be held on the designated days.

d) Two ecclesiastics shall be appointed to recite the prayers "For the Departed Pope" and "For the Election of a Pope."

e) A day shall be established on which, if requested by them, access to the Holy College shall be granted to the envoys of the civil governments and to the Knights of the Order of Jerusalem. However, these envoys shall only be admitted when assembled together, and no further permission shall be granted to them to enter the Holy College individually.

The formula of the oath to be recited by the Cardinals of the Holy Roman Church: "We, Bishops, Priests, and Deacons of the Holy Roman Church, swear, inviolably and in all respects, to observe the content of the Supreme Pontiff Pius X's Constitution 'Vacante Sede Apostolica' concerning the vacancy of the Apostolic See and the election of the Roman Pontiff, issued on December 25, 1904; as well as the Constitution 'Commissum Nobis' concerning the civil veto or exclusion, as it is called, in the election of the Supreme Pontiff, issued by the same Pius X on January 20 of the same year 1904, and Leo XIII's 'Praedecessores Nostri' with the attached 'Instruction,' issued on May 24, 1882. We also promise, vow, and swear that each of us, if chosen as the Roman Pontiff, by the will of God, will observe and respect the rights and liberties of the Holy See, especially the integrity of the See, and that we will diligently preserve the secret of our Conclave, under the

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penalties prescribed in the aforementioned Constitution of Pius X, and that we will observe all matters pertaining to the Roman Pontiff, in all respects, and in all that is done in the place of election, and that we will preserve this secret during the entire duration of the Conclave, or if we cease to be members, we will again swear to it.

We especially promise and swear that we will never, even after the election of a new Pope, express or claim any civil veto or exclusion in the election, in any way, under any pretext, or in the form of a simple desire, unless a special dispensation has been granted to us by the future Pope; and that we will also accept any veto or exclusion offered to us, and that we will make known any veto that has come to our knowledge, whether to the entire College of Cardinals assembled together, or to individual Cardinals, whether in writing or orally, or in any other way, directly or indirectly, or through intermediaries, and that we will not render any assistance or favor to any secular power of any rank or order that may seek to interfere in the election of the Pope."

The Dean of the Cardinals shall order the Prefect of the Ceremonies to read this formula aloud before all the Cardinals. Then, each Cardinal shall say: "And I, N., Cardinal N., promise, vow, and swear." And placing both hands on the Gospel, they shall add: "May God help me, and may these Holy Gospels of God help me."

[*Latin ed. p. 461*]

Document 461 g) The names of individual groups of two or three Cardinals, commonly called Commissions, shall be designated: a) for the investigation of the qualifications of those who are to participate in the Conclave and their approval, and also for the designation of those who are to serve in the Conclave; b) for the construction and sealing of the Conclave, and for the arrangement of the cells; c) The expenses of the Conclave shall be proposed and approved. d) Letters from Emperors, Kings, and other states, as well as reports from officials, and all other matters that may concern the interests of the Holy College, shall be communicated to the College itself. e) Any documents left to the College of Cardinals by the deceased Holy Father shall be read. f) The Fisherman's Ring and the lead seal of the Apostolic Chancery shall be broken. The Pro-Datary or Sub-Datary, and the Secretary of Briefs or his substitute, shall deliver to the Holy College, under seal, all petitions for graces that are in their possession. g) The cells of the Conclave shall be distributed to the Cardinals by lot.

CHAPTER III. Of certain particular offices, when the Apostolic See is vacant.

12. The offices of the Major Penitentiary and the Chamberlaine of the Holy Roman Church do not cease by reason of the death of the Pope.

13. However, if either or both of these offices become vacant before the

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election of a new Pope, then a general Congregation shall be held three days after the vacancy of either of the aforementioned offices, and the votes or suffrages of the Cardinals assembled together shall be inquired into for the appointment of one who shall fill the place of the Major Penitentiary or the Chamberlaine until the election of a new Pope, and these shall be given by secret ballots, to be collected by the Masters of Ceremonies, even from infirm Cardinals, and to be opened before three Cardinals who are at that time the highest in order, in the presence of the same Masters of Ceremonies and the Secretary of the Holy College; and he shall be appointed who receives the relatively greater part of the aforementioned votes or suffrages, and to him shall be attributed all the powers that the Major Penitentiary or the Chamberlaine could exercise, as long as the See is vacant. But if, perhaps, the votes are equal, he shall be appointed who is of higher rank, or, if of the same rank, the older one.

14. When the Apostolic See is vacant, it is incumbent upon the Cardinal Chamberlaine to take care of and administer the goods and temporal rights of the Holy See, with the assistance of the Cardinals who are at that time the highest in order, or the Heads of the Orders, and with the prior consent of a few for minor matters, and always for more serious matters, according to the Constitution of Pius IV, "In eligendis," § 17.

2 Pius IV Constitution "In eligendis," § 15; Clement XII Constitution "Apostolatus officium," § 10.

3 Pius IV Constitution "In eligendis," § 13.

4 Clement V, chapter 2, "Ne Romani," § 1 concerning election I, 3 in Clement; Pius IV Constitution "In eligendis," § 9; Clement XII Constitution "Apostolatus officium," § 15.

5 Clement V, chapter 2, "Ne Romani," § 1 concerning election I, 3 in Clement; Clement XII Constitution "Apostolatus officium," § 15; Benedict XIV Constitution "In Apostolicae," Idus April, 1744, § 4.

[*Latin ed. p. 462*]

From Canon 462 of the Code of Canon Law, pertaining to the Holy College: Henceforth, the Cardinal Chamberlain, immediately upon receiving notification from the Prefect of the Apostolic Palace concerning the death of the Pope, shall proceed to the Apostolic Palace to take possession of its offices and exercise its governance. It shall be the duty of the same Chamberlain to legally recognize the Pope's death and to formally record the act of death; to determine, after hearing the Cardinal Heads of the Orders, the most suitable and appropriate manner for the preservation of the body of the deceased Pope, considering the circumstances; to seal the private residences of the deceased Pope; to inform the Cardinal Vicar of the City of Rome of the death, who shall then inform the Roman people through a special edict; and to attend to all matters, in the name and with

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the consent of the Holy College, that are necessary to safeguard the rights of the Apostolic See and to properly administer its affairs, taking into account the circumstances of the time.

15. The Cardinal Dean of the Holy College shall, as soon as he has been informed by the Prefost of the Apostolic Palace of the Pope's death, inform the other Cardinals and summon them to the Apostolic Palace.

16. The Major Penitentiary and his officials shall, during the vacancy of the Holy See, be empowered to perform and execute all that which has been established and defined by the Blessed Pope Benedict XIV.

17. The offices of the Vice-Chancellor of the Holy Roman Church, the Prothonotary, and the Secretary of Briefs cease entirely upon the death of the Supreme Pontiff.

18. Likewise, the office of Cardinal Secretary of State ceases upon the death of the Pope, and the Secretary of the Holy College shall perform that office during the vacancy of the Holy See. If this office becomes vacant, the Holy College shall appoint someone to it, by a majority of votes, for as long as the Apostolic See remains vacant.

19. On the contrary, the office and jurisdiction of the Cardinal Vicar of the City of Rome do not cease with the death of the Roman Pontiff. If the Vicar of the City should die during the vacancy of the Holy See, so that the faithful of the City and its District may not suffer any detriment in spiritual matters, then the existing Vice-Vicar of said Vicar, for as long as the Holy See remains vacant, shall possess all the faculties, authority, and power that belonged to the same Vicar in the exercise of his office, and the Pope himself, when the Vicariate is vacant and the Holy See is filled, often grants to the aforementioned Vice-Vicar for a certain time, until a successor to the Vicar is appointed.

20. Likewise, the office and power of Legates, Nuncios, and Apostolic Delegates do not cease with the vacancy of the Holy See.

21. It is most fitting, especially at the time when the election of a Pope is being considered, to earnestly seek divine assistance through constant prayers and other works of Christian piety and charity, and to strive to merit it; therefore, as we greatly commend it, so also we wish to maintain the praiseworthy custom observed up to now, that the Almoner of the deceased Pope shall continue to exercise this office, subject to and dependent upon the Holy College of Cardinals, as is proper.

[*Latin ed. p. 463*]

Document 46, effective until a new Pontiff is elected, so that the same financial resources may be dispensed and distributed through the aforementioned Almonry for the benefit of the poor and needy during the vacancy of the Holy See, in the same manner as they are distributed when the Pontiff is alive; to this end, the customary instructions shall be issued

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by the three Cardinals then presiding in the Order of Priests, or by those appointed for this purpose.

CHAPTER IV. Concerning the Sacred Roman Congregations and their powers during the vacancy of the Apostolic See.

22. Regarding the powers of the Sacred Roman Congregations during the vacancy of the Holy See, the following norms must be observed by all, without prejudice to any privileges.

23. The Sacred Congregations, during the same vacancy, have no power in matters which they cannot carry out and execute unless with the express consent of the Supreme Pontiff, or by his hearing, or by virtue of special and extraordinary powers, which are usually granted to the Prefects or Secretaries of these Congregations by the Roman Pontiff.

24. The powers which are attributed to them by Apostolic Letters, and are therefore considered as ordinary and proper to the Congregations themselves, are not extinguished by the death of the Roman Pontiff.

25. Nevertheless, we wish that the Sacred Congregations should freely use these ordinary powers only in granting those favors which are of lesser importance, and according to the circumstances of the case. In those matters which are to be carried out and decided upon, and which appear to be more serious or controversial, we decree that, if the matter is one which can be postponed, it shall be entirely reserved for the future Pontiff; but if it admits of no delay, then We grant to the Holy College the power to entrust the matter to the Prefect and to several other Cardinals of that Congregation, to whom the Pontiff would most likely entrust the examination of the matter, who, after carefully discussing the matter, may decide upon it provisionally, until a Pontiff is elected, in such a way that, according to the prudence given to them by God, they deem suitable and consistent with the preservation and protection of ecclesiastical rights and reasons.

CHAPTER V. Concerning the funeral rites of the Roman Pontiff.

26. Upon the death of the Roman Pontiff, the Cardinals shall perform the funeral rites for his soul, according to custom, for nine continuous days, unless, perhaps, during those nine days, some feast of the principal and major feasts occurs, for the observance of which the funeral rites seem to be interrupted; then, the days of the funeral rites interrupted are counted within the number of nine days. However, the funeral rites shall be celebrated with greater solemnity during the three last days; and on the last day of these funeral rites, a prayer "for the soul of the deceased Pontiff" shall be recited by an ecclesiastic appointed for this purpose.

3 1 Gleni. XII Const. "Officium Apostolatus," § 25.

2 Clem. XII Const. "Officium Apostolatus," § 18.

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* Cf. Caeremoniale Greg. XV "Decet Romanum," ix Idus Maii. 1621.

[*Latin ed. p. 464*]

Codex 464 of Canon Law, TITLE II. ON THE ELECTION OF THE ROMAN PONTIFF. CHAPTER I. On the Electors of the Roman Pontiff. 27. The right to elect the Roman Pontiff belongs exclusively and solely to the Sacred College of Cardinals, with any intervention whatsoever of others, whether of ecclesiastical dignity or of any secular power of any rank or order, being entirely excluded. 28. If it should happen that the Roman Pontiff dies while a general Council is being held, whether it is being held in Rome or in any other place in the world, the election of the new Pontiff must always and exclusively be carried out by one College of Sacred Cardinals, and certainly not by the Council itself, and furthermore, absolutely no other persons whatsoever, even those who may have been appointed by the authority of the Council, are to be included in this election, except for the aforementioned Cardinals. Indeed, so that the aforementioned Cardinals may proceed more freely and expeditiously in such an election, without any impediment whatsoever and with any occasion of disturbance and discord removed, the Council itself, in all its proceedings and deliberations, should be immediately suspended from the moment that certain news of the death of the Pontiff is received, so that, without any delay whatsoever, it must immediately cease from all meetings, congregations, and sessions, and from the making of any decrees or canons, and for no reason whatsoever, even if it should seem very serious and worthy of special mention, should it proceed further, until the new Pontiff, canonically elected, orders it to be resumed and continued. 29. No Cardinal can, under any pretext or reason of excommunication, suspension, interdict, or any other ecclesiastical impediment, be excluded in any way from the active and passive exercise of the election of the Supreme Pontiff; these censures and excommunications, for the purpose of such an election, remain in full force, but are suspended. 30. After a Sacred Cardinal has been created in Consistory, he immediately has the right to vote and to elect the Pontiff, and consequently, even if the galero of his cardinalate has not yet been given to him, or if it has been given, the hat is not yet open. For this custom of closing the mouth [of the hat] does not pertain to the principal function of the Cardinals, which concerns the election of the Supreme Pontiff, but is rather a certain ceremony, introduced for this reason, so that the Cardinals may be reminded, before they give their vote in Consistories and Congregations, of the modesty that they ought to observe in these and other actions. 31. See the Constitution of Pius IX, "In hac sublimi," September 1, 1871, and "Consulturi," October 10, 1877; the Constitution of Leo XIII, "Praedecessores Nostri." 32. See the Constitution of Pius IX, "Cum Romanis Pontificibus," December 8, 1869. 33. See Clement V, cap. 2, "Ne Romani," § 1, 3 in Clement V; the Constitution of Pius IV, "In eligmdis," §

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29; the Constitution of Gregory XV, "Aetemi Patris," § 22. 34. See the decree of Pius V, January 26, 1571; the Caeremoniale of Gregory X, § Porro.

[*Latin ed. p. 465*]

465 Documents 31. Cardinals who have been canonically deposed, or who have renounced the dignity of the cardinalate, with the consent of the Roman Pontiff, have no right to participate in the election. Indeed, when the See is vacant, the Holy College cannot restore or habilitate Cardinals who have been deprived or deposed by the Pope, not even to give their vote. 32. We also decree and declare that, if any Cardinal should not have been ordained at least to the order of Deacon, he must not, under any circumstances, be admitted to the election, unless he is endowed with a certain and unquestionable pontifical privilege. 33. Furthermore, we decree that, when the Pontiff has passed away from this life, the present Cardinals must await the absent Cardinals for only ten days, during which the funeral rites of the deceased Pontiff are celebrated; after which time, they are obliged to enter the Conclave immediately and proceed to the business of the election. 34. However, if absent Cardinals arrive, the election must proceed with them, in its entirety, that is, before provision has been made for the same Church with a Pastor, in the same business, in the same state in which they are found. 35. To all Cardinals, in virtue of holy obedience, we command and order that, after having been informed by the Cardinal Dean, or, if he is prevented, by another Cardinal, of the vacancy of the Apostolic See, and having been summoned to the election of a new Pontiff, unless they are detained by a legitimate impediment, they must obey the instructions and immediately assemble at the place designated for the purpose of electing the Pontiff. 36. If anyone should refuse to enter the Conclave, or, having entered, should leave without a manifest cause of infirmity, with the oath of doctors and approved by the majority of the Cardinals; then, without further requirement of him, the election of the Supreme Pontiff may freely proceed with the others. If, however, anyone should be compelled to leave the Conclave due to a subsequent infirmity, even during the infirmity, the election may proceed without his vote; but if he wishes to return to the Conclave, after his health has been restored, or even before, he will be admitted again. 37. All Cardinals, and each one individually, who are not hindered by illness, must assemble for the scrutiny when the bell of the Conclave has been rung for the third time, according to the usual custom; and if anyone does not obey this, he shall incur the penalty of excommunication, already decreed.

CHAPTER II. Concerning those who are in the Conclave and those who participate in the Conclave.

38. Each Cardinal in the Conclave may be accompanied by two laymen or clerics, or by one cleric and one layman; but those who are infirm and seriously ill may be accompanied by the majority of the Holy College, or

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by the Cardinal Camerlengo alone.

[*Latin ed. p. 466*]

466. According to the norms of the Code of Canon Law concerning the Chapters of Orders, with the consent of the majority of the Holy College, a third vote may be granted.

39. Those who participate in the Conclave must not be Cardinals who are prelates, nor relatives in the first or second degree of consanguinity or affinity with Cardinals, even if they are supported by their expenses, or who belong to the same religious order or congregation. And concerning the qualities of those who participate in the Conclave, the Cardinals designated must diligently inquire into them before entering the Conclave, and approve them, and after entering, they must again diligently inquire into them.

40. Those who participate in the Conclave must solemnly and religiously, in accordance with the established form, take an oath, given by themselves, for the importance of the matter. Therefore, the officials of the Holy Roman Church must take care to have the aforementioned oath issued to them at least one or two days before entering the Conclave, after each of them has carefully understood the meaning and wording of the oath.

41. Those who participate in the Conclave, and any other servants, who, due to manifest and notable infirmity, are proven by medical examination, and who, according to the Constitution "In eligendis" of Pius IV, § 1, and the Constitution "In eligendis" of Pius IV, § 17, are excused from taking the oath, [Formula of the oath to be taken by the Masters of Ceremonies and all other ecclesiastical participants in the Conclave, one or two days before entering the Conclave, before the Prefect of Ceremonies or the Secretary of the Holy College designated for this purpose: "I, having been constituted before you, and having the Holy Gospels of God placed before me with my own hands, swear and promise that I will keep inviolably secret all and each of those things which I may come to know in any way concerning the election of the new Pope and what will happen in the Conclave or in the place of election, and that I will not violate this secret in any way, neither directly nor indirectly, neither by word nor by writing, in any way; and this not only under the penalty of excommunication by the future Pope, but also under the special penalty of deprivation, of any reserved benefit, including pension, perpetual sentence, and the Holy Penitentiary, but of the office or function itself, incurred in the case of transgression. I swear and promise that I will keep this secret most carefully and diligently even after the election of the new Pope, unless the same Pope grants me a special faculty or express dispensation. May God help me, and may these Holy Gospels, which I touch with my own hands."

Formula of the oath for the Cardinals and other lay servants: "I, standing before you, touching the Holy Gospels with my own hands, swear and

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promise that I will observe an inviolable and rigorous secret concerning all and each of those things which I may come to know in any way, regarding the election of the new Pope and what will happen in the Conclave or in the place of election, and that I will not violate this secret in any way, neither directly nor indirectly, neither by words, nor by writings, in any way; and this not only under the penalty of excommunication by the future Pope, but also under other very severe penalties that may be imposed by the same Holiness in case of transgression, including the exclusion of the Holy Penitentiary, and incurred solely by the fact of violating the sworn secret, but also under other very severe penalties that may be imposed by the same Holiness in case of transgression. I swear and promise that I will keep this secret conscientiously even after the election of the new Pope, unless the same Pope grants me a special and express faculty. May God help me, and may these Holy Gospels, which I touch with my hands."

[*Latin ed. p. 467*]

Document 467, in accordance with the will of the electors, whose consciences we also burden, and who will depart in no other way, nor return in any manner; but in their place, others shall enter at precisely the same time that the infirm depart. 42. Furthermore, if any Cardinal should die within the Conclave, the other Conclavists must immediately leave the Conclave, and they will not be able to serve another Cardinal within the same Conclave. 43. The Sacristan of the Sacred Apostolic Palace, along with one or more Clerics as assistants in the office of Sacristan, and also the Masters of Ceremonies, shall enter the Conclave, not more than six in number, to perform the duties pertaining to them. In addition, there shall be only one Secretary of the Sacred College, one Religious for hearing confessions, two Physicians, one Surgeon, one Aromatarian with one or two attendants, all of whom shall be chosen by the majority of the Cardinals, or by the Cardinal Camerlengo together with the Cardinals of the Orders, with the consent of the majority of the Cardinals; and others who are necessary for the utility and convenience of the Conclave, but who shall not be more numerous than necessity requires.

CHAPTER III.

4. Concerning entry into the Conclave.

44. After the funeral rites of the deceased Pontiff (as above) have been completed, and the Conclave has been suitably prepared in the meantime, the Cardinals assemble in the Basilica of Saint Peter, or in another place as the circumstances and location permit, where, by the Dean of the Sacred College, or, if he is prevented, by another of the more senior Cardinals, the Mass of the Holy Spirit is celebrated, and at the end, a prayer is offered by some Prelate or other learned ecclesiastic, in which they are reminded to,

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having set aside all private affections, with only God before their eyes, to provide for the Holy Roman and universal Church a sufficient and suitable Pastor, and to attend to this matter with all possible brevity and diligence.

45. After the divine service has been performed, immediately, or, if the Fathers prefer, in the evening, entry into the Conclave is made. The Master of Ceremonies carries the Papal Cross and proceeds; the Cardinals follow, first the Bishops, then the Presbyters, and lastly the Deacons with their purple robes: the Relatives of the Cardinals precede the Cross, and immediately the Singers chant the Hymn "Veni Creator Spiritus": after the Cardinals follow the Prelates, and in this order they enter the Conclave, and when they have reached the Chapel, the Dean of the Cardinals says the prayer "Deus qui corolla fidelium" before the altar; upon the conclusion of which, then the aforementioned Constitutions "Commissum Nobis" concerning the civil veto, and "Praedecessores Nostri" of Leo XIII (omitting those which only concern matters that have already been completed) are read again; and the oath, according to the form prescribed above, is again taken by all the Cardinals. Then, after a brief address given by the Dean, in which he convenes them.

[*Latin ed. p. 468*]

Codex 468 of the Canon Law, with certain words, urges that the business of the election be carried out properly and correctly, and that those present be distributed among the cells by lot. Meanwhile, the Officials of the Conclave and others serving within the Conclave take oaths according to the prescribed formulas before the Prefect of Ceremonies or the Secretary of the Holy College, by order of the Cardinal Chamberlain, before whom the oath must previously be administered by themselves. Likewise, on the same day on which entry into the Conclave takes place, the Prelate presiding over the Papal Household and the Marshal of the Conclave must administer the oath according to the established formulas before the Cardinal Dean, in the presence of all the Cardinals, and the Prelates to whom the custody of the Conclave is entrusted also perform this act. 46. Finally, after the bell has been rung three times, at the command of the Cardinal Dean, and after all those who are not permitted to remain in the Conclave have been excluded, the Conclave itself is closed both inside and out, and the keys are assigned to the Chamberlain of the Holy Roman Church, the Master of Ceremonies, and the Prelates entrusted with the custody of the Conclave, according to custom. Then, with the torches lit, three Cardinals, the Heads of the Orders, and the Chamberlain, together with the Master of Ceremonies, carefully search all the hidden places and corners of the Conclave, so that no one who is forbidden to be in the Conclave remains inside. Within the Conclave, it is possible for the Relatives of the Cardinals, and other Officials and Ministers of the Conclave, whom we have mentioned above, to be present; but a verification must be made of all these

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individuals present in the Conclave, so that none of them may happen to be among those who are not permitted to be in the Conclave: and to ensure that this verification is more certain, it is ordered that all those present in the Conclave enter the chapel, and then they are counted individually. CHAPTER V. Concerning the closing of the Conclave, and concerning the secrecy to be observed in all that is done within the Conclave. 47. The election of the Supreme Pontiff must take place in the Conclave, and it is closed; nevertheless, any nullity of the election by Gregory XV (or by any other pontifical decree) on this matter is to be disregarded. 48. Furthermore, the Cardinals deputed for the time being, either by themselves or by others, are bound to frequently visit and carefully search the cells of the Cardinals and other places within the Conclave, so that the closing of the Conclave is not violated in any way. And if anything of this kind is discovered, the perpetrators will be expelled from the Conclave and will be subject to severe penalties at the discretion of the future Pontiff. 49. Once the Conclave is closed, no one is admitted to converse with the Cardinals or with others present in the Conclave, unless the Prelates to whom the custody of the Conclave is entrusted are present, and unless they speak in a language and dialect that is understandable. And if anyone should (God forbid) secretly enter the Conclave, he shall be deprived of all honor, rank, office, and benefit by this very act. 50. We also wish that letters, or writings of any kind, even those printed, be not sent to those who are in the Conclave (not even to the Cardinals of the Holy Roman Church).

[*Latin ed. p. 469*]

Documents (469 items) cannot be sent from the Conclave to those outside, in any way, unless first all and each item of the Holy College's Secretariat, and simultaneously the Prelates who are deputed to the custody of the Conclave, are subjected to examination and inspection. We absolutely forbid everyone from sending daily or periodic ephemerides outside the Conclave. Those who do so shall incur the penalty of excommunication, pronounced publicly.

51. Furthermore, as already stated above, it is strictly commanded and ordered, by means of the formulas of oath, both for the Most Eminent Cardinals and for those within the Conclave, that all those taking part in the Conclave religiously observe secrecy in all matters pertaining to the election of the Roman Pontiff, and in all that is done within the Conclave, or in the place of election. Therefore, whatever may, directly or indirectly, be able to violate secrecy in any way, whether words, writings, signs, or any other thing, must be completely avoided and guarded against; so that those who violate this law incur excommunication by the very act, from which, as from any other and against anyone imposed or to be imposed in this Constitution, or imposed and to be imposed, no one, not even a Major Penitentiary, can grant absolution by any power, except the Roman Pontiff,

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unless at the point of death.

52. In particular, under the penalty of the same excommunication, the Cardinals are forbidden to reveal to their Familiaris or Conclavists, or to anyone else, matters that directly or indirectly concern the scrutiny, as well as those that have been acted upon or decreed in the Cardinals' Congregations, whether before the Conclave or during it.

53. Moreover, we command, with a heavy burden on their consciences, the Most Eminent Cardinals to observe this secrecy even after the election of the new Pontiff, and in no way is it permissible to violate it, unless the same Pontiff has granted a special faculty or express dispensation for this purpose. We wish to extend this precept to all others who have taken part in the Conclave, if, perhaps, they have learned something about what was done in the Conclave, whether in good faith or bad.

CHAPTER V.

4. Concerning the form of the election.

54. The following morning, after the Conclave closed the previous night, and after the usual ringing of the bell, the Cardinals present, who are not hindered by infirmity, convene, wearing a yellow cassock or a violet mozzetta (which they must wear whenever anything is to be done collegially), to the designated chapel, and there, after the customary Mass has been celebrated, and after the Cardinals have received Communion, and after the hymn "Veni Creator Spiritus" has been recited with a prayer for the Holy Spirit, they must immediately proceed to the business of the election, which must be carried out in only one of the three ways or forms described below, otherwise the election is subject to the defect of nullity.

[*Latin ed. p. 470*]

470 Codea) Of Canon Law 55. The first method is that which is called, as if by inspiration, when, namely, all the Cardinals, as if inspired by the Holy Spirit, unanimously and with their own voices proclaim someone as the Supreme Pontiff; regarding which method, the following should be noted. First, this form of election can only be used within the Conclave, and with the Conclave closed. Second, the election must be made according to this form by all and each of the Cardinals present in the Conclave, even those who, due to infirmity, are confined to their cells. Third, unanimously, and without any of them dissenting. Fourth, without any prior special discussion regarding a particular person, by means of the word "I choose," clearly spoken, or written, if it cannot be spoken. An example of this might be as follows: If someone among the Fathers, with the Conclave closed, without any prior special discussion, were to say: "Most Reverend Lords, having considered the singular virtue and integrity of the Most Reverend N., I judge that he should be chosen as the Supreme Pontiff, and from this

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moment I choose him as Pope." Then, after this is heard, if the other Fathers, without exception, were to follow this sentiment with the same word "I choose," clearly spoken, or, if it cannot be spoken, in writing, the same N., about whom no prior special discussion has taken place, unanimously, he would be canonically elected and the true Pope according to this form of election, which is said to be by inspiration. 56. The second method is by compromise, when, namely, the Cardinals, wishing to proceed with the election by this form or method, grant to some of the Fathers the power to choose, so that, in place of all, they may provide for the Shepherd of the Cattolica Church; the practice of this form must be as follows. First, all and each of the Cardinals present in the closed Conclave, without any of them dissenting, grant a compromise to some of the Fathers (that is, to three or five or seven, not to a smaller or larger number), for example, in this form: "In the name of the Lord, Amen. In the year etc., month etc., day etc. We, Bishops, Presbyters, and Deacons of the Holy Roman Church, all and each of the Cardinals present in the Conclave, namely N. N. (and each of the Cardinals is named individually), declare that we intend to proceed by the method of compromise, and unanimously and in agreement, without any dissent, we choose the Cardinals N. N. and N. as compromissaries, etc., to whom we grant full power and authority to provide for the Holy Roman Church with a Shepherd under this form, namely:". (Here, it will be necessary for the Cardinals making the compromise to express the method and form according to which the compromissaries must choose, and according to which the elected person must be considered a true and legitimate Pope, for example, if three compromissaries are elected, it must be declared whether, in order for the election to be valid, they must first propose a person to be named by them to the Sacred College for the Pontificate, or whether they must absolutely carry out the election; whether all three must agree on one person; or whether it is sufficient that two agree on one person; and whether they must name someone from the College, or even someone outside the College, and other similar things). After these, or other similar things, have been expressed, the compromise must include the time until which the Cardinals wish the compromissaries to have the power to choose, and then the following words are added: "And we promise that we will consider him to be the Roman Pontiff whom the Reverend Compromissaries, according to the aforementioned form, shall have chosen," or other words adapted to the form prescribed to the compromissaries. Second, upon completion of this mandate, the compromissaries proceed to

[*Latin ed. p. 471*]

471. In a certain separate and enclosed place, the Cardinals assemble and discuss the election to be held, and among them, a declaration must be presented, stating that they do not understand that by any utterance

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of words, they are giving their consent, unless they expressly state it in writing. And this declaration is necessary among the Cardinals, so that they may use human and respectful words with each other, without prejudice. Thirdly, if an election is made by the Cardinals according to the prescribed form, and it is promulgated in the Conclave, the elected person, by such a means of election, is a canonical and true Pope.

57. The third and ordinary method, or form, of electing the Roman Pontiff is that which is called by scrutiny. In this matter, we fully confirm and renew the law wisely introduced by Our Predecessors, and which has always been most religiously observed for many centuries, namely, that only a Roman Pontiff shall be considered elected, if at least two out of three parts of the Cardinals present in the Conclave have agreed upon him by secret ballots. However, the number of votes required, namely, two out of three parts of the Cardinals present in the Conclave, for the election to be valid by the method of scrutiny, is to be considered in such a way that the vote of the elected person is not counted in the two-thirds, and that no one, whether by the method of scrutiny or by the method of compromise, may elect himself, or give a vote for himself in any way; the elected person, however, if present in the Conclave, must be counted among the Cardinals.

58. The procedure of the scrutiny consists of three actions: the first, which is called the ante-scrutinium; the second, which is the scrutiny itself; and the third, which may be called the post-scrutinium.

59. The acts of the ante-scrutinium are five, namely: the preparation of the ballots; the drawing by lot of the Scrutineers, the Delegates for the invalid votes, and the Recognizers; the writing of the ballots; their folding; and the sealing of the same.

60. The preparation and distribution of the ballots pertains to the Masters of Ceremonies, who will receive them printed, if it can be done, otherwise written by hand, according to the form described below, and will distribute at least two or three to each Cardinal.

61. As for the form of the ballot, with regard to its shape, one side will be longer, that is, more long than wide. Regarding what is contained in the same ballots, in the upper part of the first side, which for the sake of brevity may be called the "face," three things must be included. First, in the upper part, according to its width, the two words "Ego Card." must be written with such distance between them that the proper name of the Cardinal who is voting can be written between them, and a little below, two signs, resembling small semi-circles, must be made, to indicate the places for the seals. Second, in the middle, the words "1 2 Eligo in Summum Pontificem Reverendissimum Dominum meum D. Cardinalem" must be contained. Third, in the lower part, two other signs, made like the semi-circles above, must be made, to indicate the places for the seals.

1 Alex. III in Concil. Later. cap. 6 «Licet de vitanda», de elect. 1, 6; Greg.

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XV Const. « Aeterni Patris », § i. 2 Greg. XV Const. «Aeterni Patris», § 2.

[*Latin ed. p. 472*]

472. In the *Codex Iuris Canonici*. On the outer part of the leaves, which may be called the back, there are two printed bands, taken from those which printers use for the ornamentation of books, and which are commonly called "breaks," the first of which, around its middle, contains the word "Nomen," printed along the length of the band; the second contains the word "Signa," similarly printed, as the first. These bands are designed to obscure the transparency of the pages, so that, in the light, those who are choosing names and signs may not be able to see them; but if the printer does not have a sufficient supply of these bands, the lack of them can be made up with lines. But these things will be made clearer by the figures of the leaves shown below.

[*Latin ed. p. 473*]

473 The following documents serve as an example of the procedure for the scrutiny. I, Cardinal (location of the first fold), (location of the second fold), elect as Supreme Pontiff, My Most Reverend Lord, Cardinal . . . . (location of the second fold), (location of the first fold).

[*Latin ed. p. 475*]

62. The second act of the scrutiny is the drawing of the Scrutineers, the Delegates for the votes of the infirm, and the Counters: this drawing, before proceeding to the scrutiny, must be done by lot, in this manner. In one sack, or vase, publicly place as many slips of paper, or if it is preferred, wooden balls, clearly numbered, as there are Cardinals present in the Conclave, each with the name of a Cardinal; then, by the senior Deacon, first three Scrutineers are drawn, then three Delegates for the votes of the infirm, who, for brevity's sake, may be called Infirmarii, and finally, the Counters, concerning whose office more will be written in its proper place below. If, during the drawing of the Scrutineers, the Infirmarii, and the Counters, Cardinals are drawn who, due to infirmity or some other impediment, cannot fulfill the aforementioned duties, others who are not impeded shall be drawn in their place. Once the drawing is completed, the slips of paper, or the wooden balls, of those who have been drawn are returned to the sack, or vase.

63. The third act of the scrutiny is the writing of the slips of paper, which each Cardinal will do in this manner. First, in the upper part, in the space between the words "Ego Card.," he will write his own name; then, in the second part, he will write the name of the one he chooses, but with a character, as far as possible, altered, so that the hand of the writer cannot be recognized; and he must take care not to write more than one name on the slip, because the vote would be invalid. In the third part, he will place signs, namely, a certain number, and some word or phrase from Scripture,

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or something similar, as can be seen in the example provided for easier understanding.

[*Latin ed. p. 476*]

Codex Iuris 476 Canonici. EXEMPLUM schedulae scrutinii scriptae. Ego Bonifacius, Cardinalis Caietanus. (locus (locus primae plicaturae) secundae plicaturae). Eligo in Summum Pontificem R. D. meum D. Cardinalem Barpinium. n \ r \ (locus . . . . . secundae plicaturae) (locus primae plicaturae) 18. Gloria in excelsis Deo.

[*Latin ed. p. 477*]

Document 477, section 6. The fourth act of the scrutiny consists in the folding of the ballots, so that it may be carried out more quickly by the Cardinals; this can be done by the Masters of Ceremonies, when they prepare them, in the following manner. Two folds will be made on each side of each ballot, so that the name of the elector and the signatures, once written, remain covered from both sides by the edges; then the remainder will be folded in such a way that the ballot is reduced to a width of approximately one inch, as can be seen from the folded ballot shown here as an example. EXAMPLE: Folded Ballot. I elect for Supreme Pontiff, Reverend Father . . . . . (location of the last fold), my Most Reverend Cardinal Baronio. Furthermore, the Masters of Ceremonies will distribute to the Cardinals the ballots, not folded as described above, but unfolded, and the Cardinals themselves, after having written as described above, will fold them according to the folds prepared by the Masters of Ceremonies. Moreover, the Secretary of the College and the Masters of Ceremonies must leave the hall before the Cardinals begin to write the name of their choice on the ballots, so that during the time of the scrutiny, only the Cardinals remain in the Chapel. Furthermore, after their departure from the hall, the last Cardinal of the Order of Deacons will close the door of the Chapel; and generally, he will open and close it whenever it is necessary, for example, when the Cardinals go to collect the votes of the infirm, and afterwards when they return to the Chapel, or for any other necessity.

65. The fifth and final act of the scrutiny is the sealing of the ballots, which each Cardinal must perform on the back of the ballots with red wax and a seal prepared for this purpose. Furthermore, the seal must not be the Cardinal's usual seal, but a different one, and kept secret, and so simple that it can be easily recognized.

[*Latin ed. p. 478*]

478 The Code of Canon Law, whether it bears three numbers, or three letters and numbers, or only one image, as if engraved upon a seal. These details are sufficient; concerning Cardinals who are infirm, or otherwise impeded, more will be said in its proper place below. 66. The second action follows, which is called the scrutiny. There are eight acts in this action,

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namely: the presentation of the ballot, the taking of the oath, the placing of the ballot in the urn, the mixing of the ballots, their counting, the public announcement of the results, the placing of the ballots in a cord, and their separate deposition. 67. The presentation of the ballot, and the two following acts, which are better described together due to their connection, are performed in this manner. Each Cardinal, after having written, signed, and folded his own ballot, will take it with his two forefingers, and holding his hand raised, will openly present it to the Altar, where the Scrutineers are standing, and where there is a large urn prepared to receive the ballots and covered with a paten; and there, kneeling, he will offer a brief prayer; then, rising, with a loud and intelligible voice, he will swear in the following form, which is written on a tablet placed above the Altar: "I swear, before Christ the Lord, who will judge me, to choose him whom I judge should be chosen according to God." After these words, he will place the ballot in the paten, and through the paten, he will put it into the urn; having done this, he will bow before the Altar, and return to his place. 68. These procedures must be followed if the Cardinal is able to proceed to the Altar; but if, due to infirmity, he is unable to do so, and is present in the Chapel, the last Scrutineer will approach him; and the infirm Cardinal, after having secretly prepared his ballot in his place, as previously stated, and having taken the aforementioned oath, will hand over the signed and folded ballot to the same Scrutineer, who will openly present it to the Altar, and without prayer and oath, will place it in the paten, and through it, into the urn. 69. If, however, some of the Cardinals are infirm in their cells, three Cardinals designated as Infirmarii, as mentioned above, will approach them with a capsule, one palm in height, in the upper part of which there is an opening, or hole, of such size that a folded ballot can be passed through it. Before the Scrutineers hand the capsule to the Infirmarii, they will openly open it, so that the other Cardinals can see that it is empty and without anything inside; then they will close it, and place the key on the Altar; then the Infirmarii, with the closed capsule, and with small dishes containing the ballots, will approach each of the infirm Cardinals; and the infirm Cardinals will receive the ballots from the dishes, and secretly write on them, sign them, and fold them, and, after having taken the aforementioned oath, will put them into the capsule through the opening; if the infirm Cardinals are unable to write, then one of the three Cardinals designated as Infirmarii, or another person of the clerical order, chosen at their discretion, will perform this task, after having taken an oath in the hands of the Infirmarii to keep the matter secret; and these individuals must be aware that they are not only bound by the oath to keep the secret, but that they will also incur excommunication *latae sententiae*, if they betray it. After these things have been done, the Infirmarii will return to the Chapel with the capsule, which the Scrutineers will open, and will publicly count the ballots contained in it: and as many ballots as are found will be placed individually in the

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paten, and all of them together will be put into the urn through the paten. In order that the action of the scrutiny may not be prolonged too much, the Infirmarii may—

[*Latin ed. p. 479*]

479. The assistants shall prepare their own ballots and place them in the chalice; then, while the other Cardinals are conducting the scrutiny, they shall proceed to the infirm, to receive their votes in the manner previously described.

70. The fourth act of the scrutiny is the mixing of the ballots, which shall be performed by the First Scrutineer, who, with the chalice containing the ballots, shall agitate it repeatedly with a paten.

71. The fifth act is the counting of the ballots, which shall be done publicly by the Last Scrutineer, who shall take each ballot individually from the chalice and place it in another, empty chalice. If the number of ballots does not correspond to the number of Cardinals, all shall be burned, and the process shall be repeated, that is, for a second time, to obtain the votes. If, however, the number of ballots corresponds to the number of Cardinals, the other acts of the scrutiny shall proceed.

72. The sixth act is the public announcement of the scrutiny, which shall be done by the Scrutineers, who are seated at the table before the altar, in the following manner: The First Scrutineer shall take one ballot, open it without breaking the seal, and, having seen the name of the candidate on the ballot, shall hand it to the Second Scrutineer, who shall, likewise, having seen the same name of the candidate, shall hand it to the Third Scrutineer, who shall read it aloud in a clear and audible voice, so that all the Cardinals present may note the vote on the printed sheet which they hold, containing the names of all the Cardinals: they shall note it next to the name of the Cardinal whose name is read from the ballot. The same shall be done with the other ballots in the chalice, until the last one. If, during the public announcement of the scrutiny, the Scrutineers find two ballots so intertwined that it appears that they were given by only one person, and if the same candidate is named on both, the aforementioned ballots shall be considered and counted as one vote; if, however, different candidates are named, neither vote shall be valid; in either case, however, the scrutiny shall not be invalidated. Furthermore, the aforementioned votes, after the public announcement of the scrutiny is completed, shall be totaled by the Scrutineers, according to the names of the Cardinals who received them, or shall be noted separately on a separate sheet, in the following manner: "The Most Reverend Cardinal A has 10 votes, and the Most Reverend Cardinal B has 15 votes, and so on," so that the Cardinals, when necessary, will not always have to count the votes that they have noted according to the names of the Cardinals.

73. The seventh act of the scrutiny is the insertion of the ballots into a

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thread, which has been devised so that the ballots themselves may be preserved more carefully. This insertion shall be done by the Last Scrutineer, who, after reading each ballot, shall insert it, with a needle and thread prepared for this purpose, in the place where the word "I choose" is.

74. The eighth and final act of the scrutiny is the depositing of the ballots separately, which shall also be done by the Last Scrutineer, who, after the insertion of all the ballots into the thread, shall tie the ends of the thread together, and shall place all the ballots, thus joined, in another empty chalice, or shall place them separately on the table.

75. The third and final action follows, which is called the post-scrutiny, and which has three acts: namely, the counting of the votes, their verification, and the burning of the ballots. The first act is the counting of the votes, which shall be done by the Scrutineers, whether or not an election has taken place: and if an election has not taken place, in order to know that there is no Pope elected in that scrutiny; if, however, an election has taken place, in order to ascertain the canonical election of the Pope. This counting of votes shall be done in the following manner:

[*Latin ed. p. 480*]

Codea) According to Canon Law 480, in this manner. The scrutineers collect all the votes into a single sum, noting which candidate for Pope received each vote. If they find that none of the candidates have received votes from two-thirds of the electors, then no Pope is elected in that scrutiny. However, if they find that one of the candidates has received votes from at least two-thirds of the electors, they will open the sealed ballot (which will be recognized by the seals and marks affixed by the elector in this case), even in the section where the name of the elector is written; and if it appears from this that the elector voted for someone else, then that election will be considered canonical; but if it is determined that the elector voted for himself, then his election will be null and void due to the lack of one vote. The second act of the scrutiny is the verification, which will be performed by the scrutineers, whether an election has followed or not, by examining both the scrutiny ballots and the notes of the votes made by the scrutineers, so that through this examination it may be determined whether the scrutineers have faithfully and diligently performed their duties. The third, and final, act of the scrutiny is the burning of all the ballots, which will always be done publicly by the scrutineers, with the assistance of the Masters of Ceremonies, and immediately after the verification, whether an election has followed or not. However, if a second scrutiny is to be held, according to what is stated below, then the burning of the ballots from the first scrutiny will only be done at the end, together with the ballots from the second scrutiny.

76. In the Constitutions of Our Predecessors, and especially of Gregory XV, it was established that, after the public scrutiny, if an election is not

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made by the consent of two-thirds of the electors, the Cardinals could, once in each scrutiny, approach one of those who had received at least one valid vote in the same scrutiny, provided that he was not one who had been nominated by the Cardinal himself. However, since this method of approach was not very practical, especially with regard to the examination, opening, and comparison of the ballots, We, wishing to avoid this inconvenience and at the same time not to hinder the desired acceleration of the election in any way, have decided and prescribed that, in place of this approach, once in the morning and once in the evening, after the scrutiny has been completed according to what has been explained so far, if an election has not followed, the Cardinals must immediately proceed to hold a new scrutiny, in which they will again cast their votes, without taking into account those that were cast in the first scrutiny. We wish that the same procedures be observed in this second scrutiny as in the first, but that the Cardinals are not required to renew their oath, nor to choose new scrutineers, infirmarians, and verifiers, but that what has been done in the first scrutiny with regard to these matters remains valid for the second.

77. And all of these things that have been explained about the procedures of the scrutiny must be carefully observed by the Cardinals in all the scrutinies that must be held each day, in the morning after the customary Mass, and the hymn "Veni Creator Spiritus," with a prayer for the Holy Spirit, and in the morning only, after the Cardinals have received the Sacrament of Holy Communion; and in the afternoon at an appropriate hour, also after the hymn "Veni Creator Spiritus" and the prayer for the Holy Spirit.

78. If the election is held otherwise than by secret ballots in the scrutiny, with two-thirds of the Cardinals in the Conclave voting for one candidate.

[*Latin ed. p. 481*]

Document 481: The election shall be held by secret ballot, without any votes being counted; or by means of a compromise, agreed upon by all Cardinals present in the Conclave, with no dissenting votes, and in such a manner that no one elects himself; or as if by inspiration, without any prior discussion of a particular person, by all Cardinals present in the Conclave, unanimously, with no dissenting votes, through the intelligible word "I elect," spoken aloud or, if that is not possible, written; otherwise, the election is null and void, and no rights are conferred upon the one elected.

CHAPTER VI. Concerning those things that must be observed or avoided in the election of the Roman Pontiff.

79. The crime of simony, detestable both by divine and human law, is absolutely condemned in the election of the Roman Pontiff, and We, likewise, condemn and denounce it, and we declare those guilty of this crime subject to the penalty of excommunication. However, the irritation of the simoniacal election, which God forbid, established by Julius II (or by any other papal decree), is abolished, so that a pretext may be removed for

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impugning the validity of the election of the Roman Pontiff.

80. Furthermore, under pain of excommunication, We prohibit anyone, even if he holds the honor of the Cardinalate, from, while the Roman Pontiff is living and without his consultation, discussing the election of his Successor, or from promising any vote, or from presuming to deliberate and decide on this matter in private meetings.

81. Those things which We have enacted and established in Our aforementioned Constitution "Commissum Nobis" concerning the civil Veto or Exclusion, as it is called, in the election of the Supreme Pontiff, We now renew and confirm in every respect and in their entirety. Therefore, again, in virtue of holy obedience, under the threat of divine judgment and the penalty of excommunication, We prohibit all and each of the Cardinals of the Holy Roman Church, both present and future, and likewise the Secretary of the College of Cardinals and all others taking part in the Conclave, from, under any pretext, accepting the office of Veto or Exclusion from any civil authority, even under the form of a simple desire, proposal, or the expression of this Veto, in any way known to them, whether to the entire College of Cardinals assembled together, or to individual Cardinals, whether orally, in writing, directly or indirectly, or through others, or before the Conclave or during its course. We intend this prohibition to extend to all interventions, intercessions, and other means by which secular authorities of any rank and order may have attempted to involve themselves in the election of the Pontiff.

82. Furthermore, the Cardinals must abstain from all agreements, conventions, promises, and other obligations by which they might be bound to give or withhold their vote to someone or to certain individuals; and We declare that all such things, if they actually occur, even with an oath attached, are null and void, and that no one is bound to observe them, and those who act in violation of this are subject to punishment.

[*Latin ed. p. 482*]

We decree by this Code of Canon Law the penalty of excommunication. However, we do not understand that this applies to matters concerning the election to be held when the See is vacant. 83. Furthermore, we forbid the Cardinals from, before proceeding to the election, drawing up any statutes or making any agreements by common consent, to which they would bind themselves if they were to be elected to the Pontificate; and we declare that such statutes, even if accompanied by an oath, are null and void. 84. We earnestly exhort, as Our predecessors have done, the Cardinals of the Most Holy Roman Church, that in electing the Pontiff, they be not swayed by any inclination of the mind or aversion, by the favor or obedience of anyone, nor by the influence of worldly powers, nor by force or fear or popular opinion, but that, with the glory of God and the good of the Church alone before their eyes, they bestow their votes on him whom they judge, in

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the Lord, to be most suitable among others for the fruitful and beneficial governance of the entire Church. 85. Since the faithful ought not to rely so much on human endeavors, however diligent, as on the insistence of humble and devout prayer, we add this sanction: that in all countries, and in other more important places, where the news of the death of the Pontiff first arrives, the clergy and the people, after solemn funeral ceremonies for him, should offer humble and constant prayers each day (until provision has been made for the Roman Church concerning its Pastor) to the Lord, that He Himself, who makes peace in the heights, may also bring about concord among the Cardinals in the election, so that a swift, unanimous, and beneficial provision (as the salvation of souls requires, and the utility of the whole world demands!) may follow from their unanimity. And lest this salutary decree be neglected under the pretext of ignorance, we command that the Patriarchs, Archbishops, Bishops, and other prelates of the Churches, and others to whom it is their duty to proclaim the word of God, should, by especially and frequently assembling the clergy and the people, earnestly encourage them in their sermons to offer their prayers for the speedy and happy outcome of this important matter, and that they, with the same authority, should not only encourage the frequency of prayers, but also the observance of fasts (as circumstances may suggest). 86. We beseech the elected heir and successor of Ourself, not to shrink back from undertaking this office, deterred by its difficulties, but rather to humbly submit to the counsel of divine will: for God, who imposes the burden, also Himself lends a hand, so that it may not be too heavy for him; for He who is the author of the burden is also the helper in its administration; and lest the infirm should succumb to the magnitude of the grace, He will give strength to him who has received the dignity. 1 2 3 4 5 1 Gregory X, cap. 3, "Ubi periculum," § 4, on election, I, 6 in Sext.; Pius IV, Constitution "In eligendis," § 26; Gregory XV, Constitution "Aeterni Patris," § 18. 2 Pius IV, Constitution "In eligendis," § 3; Gregory XV, Constitution "Aeterni Patris," § 18. 3 Gregory X, cap. 3, "Ubi periculum," § 4, on election, I, 6 in Sext.; Pius IV, Constitution "In eligendis," § 26; Gregory XV, Constitution "Aeterni Patris," § 23; Clement XII, Constitution "Apostolatus officium," § 5; Pius IX, Constitution "Licet per Apostolicas," vi Idus Septembr. 1874; Leo XIII, Constitution "Praedecessores Nostri"; Pius X, Constitution "Commissum Nobis." 4 Gregory X, cap. 3, "Ubi periculum," § 5, on election, I, 6 in Sext. 5 Leo XIII, Constitution "Praedecessores Nostri."

[*Latin ed. p. 483*]

483 Documents. CHAPTER VII. Concerning the acceptance and proclamation of the election, as well as the consecration and coronation of the new Pontiff. 87. After the election has been canonically completed, the consent of the elected one must be requested by the Cardinal Dean in the name of the entire Holy College. 88. If this consent is given within the pre-

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scribed time, and it is determined by the prudent judgment of the Cardinals through the greater number of votes, then the elected one is truly the Pope, and he acquires and can exercise full and absolute jurisdiction over the entire world. Therefore, if anyone should dare to challenge letters concerning any matter whatsoever that have been issued by the Roman Pontiff before his coronation, let him be excommunicated. 1 2 89. Then, the new Roman Pontiff is announced to the waiting people by the Prior of the Deacons. 90. If the elected one is not yet a Priest or Bishop, he will be ordained and consecrated by the Dean of the College of Cardinals *. . 91. Finally, he is crowned by the Cardinal Dean. Therefore, having carefully considered the entire matter, and also moved by the examples of Our Predecessors, We establish and prescribe the following, decreeing that these Letters and all that they contain, even if anyone should have disagreed with them, or should claim to have a right or interest in the matters mentioned herein, or if they were not called or heard concerning them, or for any other reason, may in no way be challenged, but that these same shall always and perpetually remain firm, valid, and effective, and shall have their full and complete effect, and shall be observed by those to whom they apply and will apply in due time, and shall be observed by them respectively and inviolably, and shall be null and void if anyone, with any authority, knowingly or unknowingly, should attempt to alter them in any way. 5 We also decree that these Our Letters shall be read before all in the customary Congregations held after the death of the Pontiff, as mentioned above (n. 11, a); again, after entering the Conclave, as mentioned above (n. 45); and also when anyone has been elevated to the purple, with the oath of religiously observing what is decreed in this Constitution. Notwithstanding this, as it may be necessary, We abrogate all Constitutions and Apostolic ordinances previously issued by Our Predecessor Popes, which We declare abrogated as mentioned above, and all other contrary provisions, even those that deserve individual and special mention and derogation. Therefore, no human being is permitted to infringe this page of Our Constitution, ordinance, abrogation, mandate, decree, admonition, inhibition, precept, or will, or to dare to contradict it with temerity. If anyone, however, 1 *Roman Ritual, Book I, Title I, Concerning the Conclave and the Election of the Pope, § 3 4. 8 Clement V, chapter 4, concerning excommunication, V, 10 in Extravagantes. 3 *Roman Ritual, Book I, Title I, Concerning the Conclave and the Election of the Pope, § 35. 4 *Roman Ritual, Book I, Title II, Concerning the Ordination and Consecration of the New Pontiff, § 13 5 *Roman Ritual, Book I, Title II, Concerning the Ordination and Consecration of the New Pontiff, § 18.

[*Latin ed. p. 484*]

Canon 484 of the Code of Canon Law attempts to impose itself, and thereby incurs the indignation of the Almighty God, and of the blessed Apostles Peter and Paul. Given in Rome, near Saint Peter, in the year one

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thousand nine hundred and thirty-fourth of the Incarnation of Our Lord, on the twenty-fifth day of December, in the second year of Our Pontificate, to Christ Jesus born on earth, holy. PIUS PP. X. DOCUMENT. The Constitution of Pope Pius X, "Commissum Nobis," January 20, 1904. "Commissum Nobis" seriously reminds us, as God wills it, of the duty of governing the entire Church, so that we may, as far as we are able, take care that the freedom of the Church does not suffer any detriment from the interference of foreign powers, a freedom which Christ bestowed upon it for the common good, and which so many heralds of the Gospel, so many most holy prelates, and so many illustrious predecessors of Ours defended with words, writings, and even with bloodshed. Moved by their examples and authority, when we first ascended this Chair of Peter, we considered it our primary duty to ensure that the life of the Church may be developed freely and completely, without any external interference, as the Divine Founder willed it, and as its exalted mission requires. Indeed, if there is any function in the life of the Church that requires such freedom above all others, it is certainly that which concerns the election of the Roman Pontiff; for the salvation of not one member, but of the entire body, is at stake, when the head is considered. To this full freedom in the election of the Supreme Pastor, the so-called civil Veto is first opposed, which has been pronounced on several occasions by the highest rulers of some states, in an attempt to prevent someone from being admitted to the Supreme Pontificate. Although this has happened several times, it has never been approved by the Apostolic See. Moreover, the Roman Pontiffs, in those matters concerning the holding of a Conclave, have striven with almost no less diligence and zeal than to prevent any interference by foreign powers from the Sacred College of Cardinals convened to elect the Pope. This is clearly stated in the Constitutions "In eligendis" of Pius IV; "Aeterni Patris" of Gregory XV; "Apostolatus officium" of Clement XII; and especially of Pius IX, "In hac sublimi," "Licet per Apostolicas," and "Consulturi." However, since experience has shown that the provisions intended to prevent the civil Veto, or Exclusion, have not always been effective, and since, due to changed circumstances, the interference of civil power in our time seems much more devoid of any foundation of reason and equity, therefore, for the sake of the apostolic office entrusted to Us, and following in the footsteps of Our predecessors, after mature deliberation, with certain knowledge and of Our own accord, We utterly condemn the so-called civil Veto, or Exclusion, even under the guise of a simple desire, and We condemn all other interventions and intercessions whatsoever, saying that it is permitted to no one, not even to the highest rulers of states, as Gregory XV states in the preamble of the Constitution "Aeterno Patris."

[*Latin ed. p. 485*]

485. Documents are introduced under the pretext of intervening or inter-

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fering in the grave matter of the election of the Roman Pontiff. Therefore, by virtue of holy obedience, under the threat of divine judgment and the penalty of excommunication by a special sentence reserved for the future Pontiff, we forbid all and each Cardinals of the Holy Roman Church, both present and future, as well as the Secretary of the College of Cardinals and all others present in the Conclave, to, under any pretext, accept the office of Veto or Exclusion, even under the form of a simple desire, to propose it, or to manifest this Veto, in any way known to them, whether to the entire College of Cardinals assembled together, or to individual Cardinals, whether in writing, or orally, or directly and proximately, or indirectly and through others. We wish to extend this prohibition to all the aforementioned interventions, intercessions, and other means by which secular authorities of any rank and order may have attempted to involve themselves in the election of the Pontiff. Finally, we earnestly exhort those same individuals, as Our predecessors have done with their voices, that in electing the Pontiff, they pay the least possible attention to the interventions of secular princes and other worldly considerations, but rather, with the glory of God and the good of the Church before their eyes, they give their votes to him whom they judge, in the Lord, to be most suitable above all others for the fruitful and beneficial governance of the entire Church. We also wish that these Our Letters, together with other Constitutions of this kind, be read before all in the first Congregation customarily held after the death of the Pontiff; again, after entering the Conclave; and also when anyone has been elevated to the dignity of the purple, with the oath of religiously observing what is decreed in this Constitution. Contrary provisions, even those of special or very special importance, are not to be considered. Therefore, no human being is permitted to infringe upon this page of Our inhibition, mandate, declaration, stipulation, will, admonition, exhortation, precept, or to dare to contradict it with reckless audacity. If anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God, and of the Saints Peter and Paul, His Apostles. Given at Rome, at Saint Peter's, in the year of the Incarnation of the Lord, one thousand nine hundred and thirty-seven, in the first year of Our Pontificate, January 20th. PIUS PP. X DOCUM. III. Constitution of Leo XIII, "Praedecessores Nostri," with the attached Instruction, May 24, 1882. Our predecessors, with solicitude for the supreme office of the Apostleship and with singular zeal, have continuously striven to ensure that the elections of the Roman Pontiffs, from which the peace, unity, and state of the Church depend so greatly, are conducted in an orderly and regular manner; and, adapting to the circumstances of the times, they have wisely devised and decreed various measures to ensure that these elections are brought to a conclusion quickly, freely, and expeditiously. These are the words of the Constitution of Pius IV, "In eligendis,"

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§ 26; and of the Constitution of Clement XII, "Apostolatus officium," § 5.

[*Latin ed. p. 486*]

486 The Code of Canon Law, however, demonstrates the solicitude and vigilant care of those concerned, especially when the movements of wars, or the disturbed order of public affairs, might suggest that the sacred assemblies necessary for the election of the Roman Pontiff might be deprived of their freedom, or that the election itself might be disturbed, or hindered, or that other obstacles might be presented to its proper conduct. Indeed, it has seemed prudent and fitting to meet this impending evil with extraordinary remedies, which, it is believed, will be more effective in warding off the dangers that threaten the peace and unity of the Church itself. The monuments of this particular solicitude are especially evident in the Roman Pontiffs, who, from the preceding century onward, have safeguarded the key to the Church in such a miserable state of affairs and disturbance, in which the Apostolic See has been particularly attacked, whether by the incursion of hostile forces, by the movements of internal seditions, or even by the usurpation of civil authority, which was established, by God's providence, for the free and independent governance of the Church. During this time, the Cardinals of the Holy Roman Church were either expelled from the city or transported to various places; and the Roman Pontiffs themselves, with impious audacity, were torn from their own seat and sent into exile, or even imprisoned and detained. For although they were subjected to so many and such violent storms, they nevertheless had nothing more ancient than to ensure the safe election of the future Pontiff, by appropriately amending those things that had been established by the Constitutions or customs of the Roman Pontiffs concerning this matter, and by wisely establishing other provisions by which the election could be carried out more quickly and easily. But just as our predecessors did in their time, so too do we feel bound and obligated to consult for the certain and expeditious election of our successor, as we perceive the storms raging against the Church of Christ to be more violent, and we experience the efforts and attacks of the enemies against this Holy See to be more acute day by day; and as we see the public order of affairs more disturbed and confused, so our mind remains anxious, and our fearful mind remains uncertain as to what the future may hold. Although, therefore, we are confident in the promises of God, whose help we never cease to implore in the humility of our heart, and we are certain that He will be present to protect His Church, His Spouse, even in this present crisis; nevertheless, considering the fragility and instability of human life, and the many obstacles that may arise to either hinder the election of our successor, or to delay it, whether it should happen that we close our earthly life here in Rome in the very condition in which we are now, under hostile domination and beset on all sides by countless dangers; or whether more serious things may yet befall

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us, and the Sacred College of Cardinals; or whether, finally, we may be compelled to take the path of exile, and God may will that we be called from the sorrows of this mortal life to eternal peace; it has seemed fitting and necessary to establish those things that should be observed in the election of our successor, for the various circumstances that human foresight can anticipate. Following, therefore, in the footsteps of our predecessors, and first imploring heavenly light and the most careful deliberation of the special Congregation of the Cardinals of the Holy Roman Church, with certain knowledge and of our own accord, exercising the fullness of the Apostolic power, we decree the following.

[*Latin ed. p. 487*]

Document 487: We declare and ordain that the sole and exclusive right to choose Our Successor as Roman Pontiff belongs to the Cardinals of the Holy Roman Church, and to this end, We approve and confirm this Our Constitution, excluding entirely and removing any intervention whatsoever of any other ecclesiastical dignity, or of any secular power of any rank or order, under any pretext or pretense, even to supplement the functions and duties of the Cardinals, in the event that the latter are dispersed throughout the world, or deported, or hindered by any other obstacle, so that they may hold assemblies for the canonical election of Our Successor. For this reason, We confirm and renew the Constitution of Our Predecessor, Pope Pius IX, beginning with the words "Cum Romanis Pontificibus," dated December 4, 1869. Furthermore, in order to ensure even more that no one whatsoever interferes or meddles in the election, even from the outside, We specifically derogate from the Constitutions of Gregory X in the Council of Lyons, "Ubi periculum"; of Clement V in the Council of Vienne, "Ne Romani"; and of Pius IV, "In eligendis," to the extent that they grant civil or political magistrates of the city in which the election of the Roman Pontiff is to be held, or even to Prelates, Rectors, Officials of the City, Orators of Princes, and other persons, the power to prescribe rules for the observance of the aforementioned election. We also derogate from those rules and prescriptions which, through Apostolic Constitutions of the Roman Pontiffs, even those issued in General Councils, or otherwise worthy of special mention, have been defined concerning the time and place of the election, concerning the Conclave and its closure, and other matters of lesser importance, such as the ceremonies and customs that are usually observed, especially concerning the custody of the Conclave, concerning the provision of food and other necessities for life, as well as concerning the qualifications and number of persons who should be admitted to the Conclave, provided that the custom is not exceeded, and other similar matters; it shall be the right of the majority of the assembled Cardinals to decide whether all or some of these should be observed or waived. Furthermore, it shall be the right of the majority of the assembled Cardinals to decide whether the

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election should be held without delay, and before the ninth day after Our death, or whether, even if public affairs are disturbed, or if another serious reason intervenes, the time of the elections should be postponed; in the latter case, it shall also be within the power of the same Cardinals to regulate or even relax the rules concerning the closure of the Conclave and other prescriptions, as mentioned above. Therefore, We absolve all the Cardinals from the oath of religion, by which they promise to observe the aforementioned Constitutions of Our Predecessors, not only with regard to the aforementioned prescriptions concerning the time and place of the elections and the Conclave and its closure, but also with regard to other ceremonies and observances of lesser importance, if the observance of any of these could delay the outcome. However, in all other matters that do not hinder the swift election of the new Pontiff, which We most earnestly desire, and especially in matters where the observance of a rule would invalidate the election, except, of course, for those matters which We have derogated from, We command that the aforementioned Constitutions be observed. Although We have granted the College of Cardinals a broad power, especially with regard to the time and place of the election of the future Roman Pontiff, We declare that nothing has been innovated, either with regard to the general canon law.

[*Latin ed. p. 488*]

488 The Code of Canon Law stipulates that nothing should be innovated during a vacancy of the Holy See; or, with regard to special constitutions, that the power and jurisdiction pertaining to the Pope during his lifetime should not pass to the College of Cardinals; that the College should not be able to dispose of the rights of the Apostolic See and of the Church of Rome in any way, nor should it appear to attempt, either directly or indirectly through the guise of connivance, or through the concealment of actions contrary to those rights, to infringe upon them; rather, it must, with all its strength, safeguard and defend them. However, while we permit the material enclosure of the Conclave or of the designated place to be relaxed in order to more expeditiously achieve the intended purpose, we do not in any way relax the obligation of maintaining secrecy in all matters pertaining to the election of the Roman Pontiff, and in all that is done within the Conclave or in the place of election. Therefore, in this manner and form, and under the penalties prescribed by the Constitutions of Our Predecessors, We again command and order that this secrecy be observed most carefully and that care be taken to ensure that it is observed by others, and indeed, with greater caution and strictness, as the difficulties of the times become more apparent. Furthermore, wherever and under whatever circumstances the election may take place, it will be considered legitimate and valid only if the number of Cardinals who have been summoned to it exceeds half of all the Cardinals existing at that time, plus one; however, if this number

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should subsequently decrease, or if any of the Cardinals summoned to the assembly should die, or be incapacitated by illness, or for any other reason, this should not impede the remaining Cardinals from pursuing the intended work and from completing the election legitimately and validly. The legitimately elected successor of Blessed Peter and Our true Roman Pontiff shall be recognized and declared to be such when, in a scrutiny, or in a scrutiny and subsequent vote, two-thirds of the Cardinals assembled have expressed their consent through secret ballots; but if the election is made through inspiration or through compromise, it must be completed by the Cardinals, as mentioned above, observing the usual canonical form. In addition to all that must be observed regarding the election of Our Successor, wherever and under whatever circumstances it may take place, We have deemed it necessary to add certain specific provisions that must be observed in the event of various circumstances. We therefore command and decree that, if We should be living in this City of Rome, the Cardinals who are then present in the Curia, until the day that We pass away, before the funeral rites are celebrated for the repose of Our soul (even if other Cardinals, or Legates from elsewhere, or for any other reason, are absent, even with Our permission or mandate, for a period of at least ten days), should seriously consider the circumstances of this City, of affairs, and of the times, and deliberate whether the election for the new Pontiff should be held in this City, or outside of it. This deliberation shall have full effect in accordance with the opinion of the majority of the Cardinals present. Furthermore, if the Cardinals assembled should also deem it advisable, without delay, to bring the election of the new Pontiff to a conclusion, even in the presence, as it were, of the deceased, while observing all that We have prescribed above, it will be permissible to complete the election of the new Pontiff even in the very first assembly. Moreover, in order to remove every opportunity for hesitation and disturbance, with regard to...

[*Latin ed. p. 489*]

Document 489: We decree that, in the Pontifical obsequies, the customary arrangements be set aside, as established by Constitutions and custom, and that these be carried out by the Cardinals with modest ceremony and form in the Chapel of the Vatican Palace, should We be gathered to Our eternal rest there. However, We most earnestly desire and command that, if the Cardinals should deem it necessary to hold the assemblies for the election either here in the City or elsewhere in Italy, in the event of any injustice being inflicted upon the Conclave or its members, which, in the judgment of the majority of the assembled Cardinals, would impede the freedom of the election, the election begun should be immediately interrupted, the assemblies dissolved, and the proceedings transferred to a safer location outside of Italy. Finally, considering the grievous state to which the Holy See has been brought by the hostile domination under which its civil au-

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thority and even this City of Rome itself are found, so that during the vacancy the dignity and interests of the same Holy See may not suffer further detriment, and also so that the Sacred College of Cardinals may have a certain means by which to conduct itself in the face of difficulties that may arise, We have prefixed a rule and regulation, which We add to this Constitution, to which the Cardinals must conform, as the circumstances may require. But since it is the injustice of times that we must fear, lest the increasing oppression and audacity of our enemies, or the deteriorating state of affairs, may compel Us to leave this City, or even that We may be forcibly removed from here, and that death may overtake Us outside the Roman Curia; We decree and command that, in this event, whichever Cardinal is present in that place outside the Curia where Almighty God wills that We depart this life, or, if there are several, the most worthy of them, namely, not he who precedes others by creation, but by right, or, if all are absent, the Apostolic Nuncio and, in his absence, the local Ordinary, or Prelate, or some other person of ecclesiastical dignity, shall promptly inform the Cardinal Dean of the Sacred College and the other Cardinals, from whose seat they have been notified, of the death of the Pope, so that they may immediately prepare themselves to proceed to the assemblies. The Cardinal Dean, or, if he is prevented, the Cardinal of higher rank, as soon as he receives such notification, or in any other way has certainly ascertained the vacancy of the Apostolic See, together with three of the oldest Cardinals from each Order, and with the Cardinal Camerlengo of the Holy Roman Church, if they are present together, or, if they are absent, with any other Cardinals, or finally, if all the others are entirely absent, he alone, shall choose a place, whatever it may be, which seems most suitable for holding the assemblies. Without any delay, the same Cardinal Dean, or, if he is prevented, another Cardinal, as above, shall inform the other Cardinals of the vacancy of the Apostolic See, and shall summon them to the election of the new Pope, and shall inform them of the place where it has been decided to hold it. To all the Cardinals, We command and order, in virtue of holy obedience, that, unless they have been lawfully detained, they must comply with the notice and immediately proceed to the place designated for the completion of the election of the Pope. Furthermore, in whatever place the Cardinals, as above, have assembled, the election of the new Pope shall be held in all respects legitimately, canonically, and validly, provided that all that is required for a valid election have been fulfilled, except those for which We have expressly made an exception. All of these things, with due proportion, shall also apply in the case of

[*Latin ed. p. 490*]

The 490th Canon of the Code of Canon Law must be adapted and transferred so that, although We are here in Rome and the final day approaches, yet, because the Sacred College of Cardinals is enduring sedition and pub-

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lic disturbances, the oppression and machinations of enemies, and because these have violently dispersed throughout the world, assemblies for the election of a new Pontiff cannot be held in Rome. Since, however, Christ wondrously directed the Blessed Peter to Rome, the mistress of the nations, who there, as he shone forth with the power of doctrine, so also rests, adorned with the glorious shedding of his blood, We decree and command that the Cardinals, in the first general assembly they shall hold, shall swear an oath to devote all their efforts and all their diligence to the restoration of the Pontifical See to Rome, as soon as the obstacles and impediments that forced it to be transferred elsewhere have been removed.

Although We are hopeful that Our Successor will enjoy better times and will long occupy this supreme Chair of Peter, nevertheless, in order to provide for the opposite event, and also by Our own initiative and by the fullness of Our Apostolic power, We extend and establish all that is sanctioned and decreed in these letters for the assemblies that will take place immediately after Our death, and We likewise decree that the same shall be observed for the second election after the death of Our Successor, if, indeed, no new law has been enacted, and Our Successor has passed away.

If, however, any doubts should arise concerning the meaning of the prescriptions contained in this Our Constitution, or as to how they should be applied and practiced, or concerning any other matter pertaining to this Our Constitution, We decree and decide that the sole authority to pronounce judgment on these matters shall reside with the Sacred College of Cardinals; and We grant to the Cardinals full power to interpret this Our Constitution and to declare what is doubtful. In this matter, as in others concerning which it may be necessary to deliberate on the provisions of this Our Constitution, except for the very act of the election itself, it will be sufficient if the majority of the Cardinals present agree on the same opinion, as has been stated above.

We command that these Apostolic Letters, as soon as possible after Our death, and, if it is permissible, even on the very day of Our death, be read in full, without delay and out of order, at the first general assembly of the Cardinals present. This, however, will not prevent, if time permits, and if no other difficulties intervene, the same reading from being carried out beforehand in the assembly of the Heads of the Orders.

In the meantime, commending Our soul to God and the Father through Our only-begotten Son, Jesus Christ, the Redeemer of mankind, that He may receive it from the sorrows of this life into the heavenly homeland, We implore and beseech Our Venerable Brothers, the Cardinals of the Holy Roman Church, to whom life will remain after Our mortal body has been released, through the bowels of the mercy of Jesus Christ, that they may devote all their efforts and all their counsel to mutual harmony of spirit

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and concord of wills in all things, so that the Ship of Peter may not long lack a governor amidst so many and such great storms. Let them consider and ponder that, when the Apostolic See is vacant, the condition of the Church is most vulnerable; for if the flock lacks the care of a shepherd...

[*Latin ed. p. 491*]

491 Lacking documents, the snares of the enemy are easily encountered. Let those who are enemies of the Church consider that nothing could be more desirable and opportune than to prolong or even disrupt the election of the Roman Pontiff. For if the calling of the Pope of the City is called into question, the episcopate itself will seem to waver, not just the Bishop. Again, we implore and beseech our Brothers, the Cardinals, that, moved by no inclination of mind or aversion, influenced by no favor or obligation, not swayed by the power of the secular world, but with only the glory of God and the good of the Church before their eyes, they bestow their votes on him who appears to excel in mental acuity and zeal for religion, and who is able to steer the barque of Peter bravely and wisely, and to withstand the onslaught of hostile forces; otherwise, let them know that they will suffer the most severe judgment of God, if, through their fault and negligence, they fail to consider the welfare of the Church in this critical matter, and in the swift and proper election of a new Pontiff. To our chosen heir and Successor, whom we pray with all the affection of our heart that the Lord may grant to occupy our place with happiness, we ask that he not, deterred by the ardor of the office, withdraw from undertaking it, but rather, humbly submit himself to the counsel of divine will, for God, who imposes the burden, also lends His own hand, so that it may not be unbearable; for He who is the author of the burden is Himself the helper in its administration; and lest the weak succumb to the magnitude of the grace, He will give strength to him who has conferred the dignity. Therefore, having carefully considered these dangers of our times and the entire matter, and also moved by the examples of our predecessors, Pius V, Pius VI, Gregory XVI, and Pius IX, we decree, prescribe, grant, and decide that these present letters, and whatever is contained in them, even if anyone should object to them, or claim to have a right or interest in the matters mentioned herein, whether they have actually agreed to them, or have not been called or heard regarding them, or for any other reason, they shall in no way be able to impugn them, but that these same shall always and perpetually remain firm, valid, and effective, and shall have and obtain their full and complete effect, and that those to whom they apply, and who will apply to them in due time, shall support them and observe them respectively and inviolably, and that they shall be null and void if, contrary to this, anything should happen to be attempted regarding these matters by anyone, knowingly or unknowingly. Notwithstanding this, in order to avoid any question of law, without invalidating other of our laws and regulations, and those of the

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Apostolic Chancery, as well as those issued by Alexander III, Gregory X, Clement V, Pius IV, Gregory XV, Clement XI, and other Roman Pontiffs, our predecessors, as well as those Apostolic Constitutions and ordinances issued by us concerning the election of the Roman Pontiff, the content of which, as if fully and sufficiently and verbatim inserted herein, are to be considered as having effect only with respect to the aforementioned, and with respect to the rest, they shall remain in their full value, we hereby derogate from all of them and from any other matters, even those that deserve individual and special mention and derogation, to the greatest extent and most fully. Furthermore, we wish that copies or printed examples of these present letters, signed by the hand of an Apostolic Notary and sealed, be delivered to a person constituted in ecclesiastical dignity, in exactly the same manner.

[*Latin ed. p. 492*]

492. The Code of Canon Law states that credence shall be given to that which was presented to those present, if it had been exhibited or shown. Therefore, no human being shall be permitted to infringe upon this page of Our permission, dispensation, faculty, ordination, decree, mandate, will, or derogation, nor to dare to contradict it with reckless audacity. If anyone should presume to attempt this, let him know that he will incur the indignation of Almighty God and of the Blessed Apostles Peter and Paul. Given in Rome, at St. Peter's, in the year of the Incarnation of Our Lord 1882, on the twenty-fourth day of May, in the fifth year of Our Pontificate. LEO XIII.

INSTRUCTION to be observed by the Sacred College of Cardinals while the Apostolic See is vacant, until the extraordinary condition in which it now finds itself persists.

1. While the Apostolic See is vacant, the Sacred College of Cardinals shall conduct itself in the same manner as it did on that very day when Rome was occupied. Therefore, a) The Cardinals, whether individually or collectively, shall abstain from all communication with any civil authority; b) They shall dress and behave in a private manner, as has been preserved for them until now; c) They shall not publicly perform the sacred functions that are proper to their dignity.

2. The Prefect of the Apostolic Palace shall appropriately advise the Cardinal Prefect of the Holy Roman Church, so that he may go to the Vatican Palace.

3. As soon as the Cardinal Prefect of the Holy Roman Church receives notification from the same Prefect of the Apostolic Palace concerning the death of the Pope, he shall proceed to take possession of the Palace of the Supreme Government, and he shall never abandon it, and there he shall perform all the duties of his office.

4. Since the Cardinal Prefect of the Holy Roman Church is the only au-

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thority that can legitimately ascertain the death of the Pope, he shall draw up an authentic attestation of the death itself.

5. The seals of the private apartments of the deceased Pope shall be affixed only by the Cardinal Prefect of the Holy Roman Church, and this is for the purpose of safeguarding the rights of both the Holy See and of any private individual. Any violation of this precept shall be considered as an attack against the freedom of the Holy College and the supreme power of the Holy Roman Church.

6. The same Cardinal Prefect of the Holy Roman Church shall inform the Cardinal Vicar of the death of the Pope, so that the latter may inform the Roman people about it through a public edict, by which the Cardinal Vicar himself shall announce that the matter has been communicated to him by a legitimate authority, namely, the Cardinal Prefect of the Holy Roman Church, and that the proper funeral rites shall be performed in the Vatican Basilica by the Chapter of St. Peter's.

7. Likewise, the Prefect of the Apostolic Palace shall appropriately advise the Cardinal Dean of the Sacred College, so that he may summon the Cardinals to the Vatican Palace.

8. The Cardinal Dean, in this summons, which shall be expressly given from the Vatican Palace, shall inform the Sacred College that they shall come together according to the prescriptions of the first article of these regulations.

[*Latin ed. p. 493*]

Document 493, paragraph 9. – As soon as the Holy See is vacant, the gates of the Apostolic Palace are immediately closed. No one shall be permitted to enter without the permission of the Cardinal Chamberlain. However, after the nine days [of mourning] have been completed, access to the Museums and the Library shall again be opened, so that all may visit those places, as has been done up to now; but it shall be closed if the enemies of the Holy See should attempt to use this concession as a pretext to gain access to other parts of the Vatican buildings.

10. – If anyone, armed himself or accompanied by armed men, approaches the gates of the Vatican buildings with the intention of invading the Holy Palace, the gates shall not be opened, but rather, let them be overthrown by the invaders.

11. – If it should happen that someone sent by the Government or by the Municipality approaches the Holy Palace, the guard who is then on duty shall ask him who he is and for what reason he has come; and the answer received shall be reported to the Cardinal Chamberlain, who will then take appropriate action according to the circumstances.

12. – If any authority, whether political or civil, wishes to speak with the Cardinal Dean or the Cardinal Chamberlain, the request shall be granted.

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However, that person shall be received in a place previously designated for such matters; but that place shall be distinct from the other residences of the Cardinals, and shall not be located in any part of the Apostolic Palace where others are usually received, to whom, by any title, it is proper to grant access to their presence. Access to the aforementioned place shall be from the exterior entrance to the Museums. But the Chamberlain, or anyone else, shall refuse to receive him if he has declared that he intends to enter the Apostolic Palace in order to carry out acts of supreme power and authority, or to seize any part of the Vatican buildings, or to violate in any way the rights of the Holy See.

13. – If it should happen that the Italian Government offers its help and assistance to the Sacred College, it must be determined whether this offer of assistance is made in writing or rather orally, that is, through the arrival of a certain envoy sent by the same Government to the Cardinal Dean or to the Cardinal Chamberlain. In the former case, the Cardinal Dean shall not respond to the aforementioned communication, but shall request the diplomatic corps, which is present at the Apostolic See, to send appropriate letters to the Government of Rome, notifying it that a) the Sacred College, bound by its oaths, cannot bring about any change in the condition of affairs left by the deceased Pontiff, and that it must transmit the Sacred College intact to his successor, b) and therefore, the Sacred College cannot have any communication with the Government, with which the deceased Pontiff had no communication whatsoever. c) Furthermore, with regard to matters concerning the interior of the Holy Palace, no assistance is needed; but with regard to matters pertaining to external tranquility, since the Sacred College does not govern the City, it cannot respond. In the latter case, if someone sent by the Italian Government requests to speak with the Cardinal Chamberlain or with the Cardinal Dean, he shall be received in the same manner as shown above in paragraph 12, and the opportunity shall be used to make the same declarations and protests, as mentioned above in the former case, where letters would be directed to the diplomatic corps. In any case, no other member of the Sacred College shall be permitted to receive such visits and communications in the name of those who are now in power, but they shall report them to the Cardinals of the Order or to the Cardinal Chamberlain.

[*Latin ed. p. 494*]

494. The Code of Canon Law is enacted with this purpose, so that in those difficult circumstances, the integrity of authority, action, and direction may be preserved.

14. If acts of violence are committed with the intention of causing disturbances, and from this pretext an attempt is made to enter the Vatican Palace, the Sacred College will take the necessary precautions, and will inform the Diplomatic Corps, so that tranquility may be restored and the Cardinals

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may be granted freedom.

15. If anyone attempts to seize the Library, Museums, Archives, or any other part of the Vatican Palace, the gates shall be closed, and if necessary, they shall be barricaded, and, after due protestation has been issued by the Cardinal Chamberlain, the Diplomatic Corps shall be formally informed of the matter by official letters.

16. Similar protests shall be issued if anyone attempts to disarm the guards of the Vatican Palace, and to replace them with Italian soldiers.

17. All congregations, both those of the individual heads of orders and those of the entire Sacred College, must be held in the Vatican Palace.

18. When the Cardinals are assembled in a group to hold the first congregation, they shall consult appropriately regarding the holding of a Conclave.

19. The Sacred College, considering the circumstances that may arise and the expenses involved, will deliberate on the admission of Conclavists, and at the same time, on the number of masters of ceremonies, servants, and others who are usually admitted to the Conclave.

20. After the Sacred College has taken the oaths, it will reiterate all the protests issued by the deceased Pontiff for the protection of the rights, laws, and goods of the Holy See and the Church, but without failing to inform the Diplomatic Corps of the matter.

21. The death of the Pope will be immediately announced to the Pontifical Legates, and to the Cardinals who were not present in Rome when the Pope died, by telegram, and after announcing the death, the following words will be added: "the rest will be communicated by letters." After the first congregation has been held, the same announcement will be repeated by registered letters, sealed, so that the place and time at which the Conclave will be held may be indicated.

22. In the first congregation, which the heads of the orders will hold with the Cardinal Chamberlain, all communications will be sent, as is customary, to the Governments, that is, to all Governments, even those with which the Holy See may not have diplomatic relations, even if these communications have never taken place or have been interrupted, provided that these Governments are already recognized by the deceased Supreme Pontiff. In this way and manner, it will be prevented that the announcement from the Apostolic See is not given to all those Princes whom the Apostolic See does not now rightly recognize.

23. Since, as established above in Article 1 of these Instructions, nothing is to be changed by the Sacred College in the condition of affairs left by the dying Pope, while the Apostolic See is vacant, it will in no way be permissible for the legates of those States to be received, who have broken off diplomatic relations with the Apostolic See, even if these States request to be received voluntarily.

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24. The body of the deceased Pope shall be clothed in pontifical vestments, and as soon as possible, shall be carried by the interior staircase to the Basilica of St. Peter, to the sacristy of the Most Holy Sacrament. There, after absolution has been given, it will be exposed, for four...

[*Latin ed. p. 495*]

Document 495: Concerning the Pontifical Guard, who shall remain vigilant, and the gate shall be kept closed. 25. The Sacred College, unless otherwise determined by special papal decrees concerning the place of the burial and the manner of interment, shall proceed according to appropriate regulations and customs, as long as the circumstances of the time permit. The interment shall take place in the presence of the Cardinals, with the doors closed. 26. Besides the funeral ceremonies, which shall be publicly held in the Basilica of Saint Peter, the Cardinals shall privately perform other ceremonies in the Sistine Chapel, in the assembly of Prelates, and by those who are rightfully permitted to be present in the Papal and Cardinal residences. 27. When the Apostolic See is vacant, the acts shall be recorded by one Cleric of the Camera (who shall also serve as Apostolic Prothonotary at that time) and the Notary of the Apostolic Camera, written and signed together. 28. The Cardinal of the Camera shall be responsible for introducing all necessary innovations, so that certain parts of the administration may be properly maintained and protected, which are usually agreed upon by the Prelates of the Camera. 29. Furthermore, the Cardinal of the Camera shall be responsible for providing and serving the Cardinals with food in the Vatican residences. The same Cardinal shall ensure that, on this occasion and on all other occasions where communication with persons not belonging to the Conclave is involved, the strictest sanctions are never violated, sanctions which have been established to prevent anyone from communicating with those outside the Conclave. 30. If, in the first General Congregation of the Sacred College, it is decided to hold the Conclave outside of Italy, this shall be immediately notified to the Cardinals who are not present in the Curia. 31. In the same notification, a specific place and time shall be indicated, at which they shall convene together. 32. Furthermore, the Cardinals shall inform the Diplomatic Corps and invite them to follow the Sacred College to the place chosen by the Sacred College itself; upon arrival, they shall employ the methods and strategies that they deem most suitable and useful.

DECREE IV. Constitution of Pope Benedict XIV, "Concerning this matter," December 14, 1742. Since it has always been a great concern of the Catholic Church that the care of souls and the protection of the flock of the Lord should not be entrusted to those who are unworthy, and who are not distinguished by priestly merit; because the condition and order of the entire family changes if what is required in the body is not found in the head: Hence, for the sake of proper governance, it has been determined

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by canonical sanctions, and especially by the Decrees of the Holy Council of Trent, that the administration of parishes should be entrusted to those whose age, from their earliest beginnings to their more mature years, has progressed through the benefits of ecclesiastical discipline, so that, considering their superior care, and their greater knowledge, morals, and long experience, it would be impossible to doubt.

[*Latin ed. p. 496*]

496. Since the opinion that the election of a pastor is not required by the decrees of the Council of Trent has gradually gained ground among many, but only that it should be ensured that unworthy individuals are not appointed to parish churches and other benefices involving the care of souls; Our Predecessor, Pope Innocent XI, condemned this erroneous doctrine, which deviates greatly from the true and sincere mind of the Fathers, and taught that the administration of the pastoral office must be prudent and diligent.

§ 1. Therefore, in accordance with the provisions of the same Holy Synod, it has been established that, in the event of a vacancy in a parish church, which is to be freely conferred by the Ordinary, a competition should be held, so that, after a careful inquiry into the age, morals, doctrine, and suitability of each candidate, the Bishop may choose the one whom he judges to be most worthy.

§ 2. However, it can sometimes happen that, through favoritism, or grace, or a less equitable judgment, less worthy individuals are preferred to more worthy ones. Therefore, Our Predecessor, Pope Pius V, in order to prevent anything improper or unjust from occurring in such an election, issued a most salutary Constitution, allowing those unjustly rejected in the competition to appeal to the Metropolitan, or to a neighboring Bishop, or even to the Apostolic See, to challenge the chosen candidate to a new examination, and to reclaim the church that has been improperly assigned to another, if it should be the case. And to prevent frivolous appeals, it was provided therein that such an appeal should only be referred to the appellate court after the chosen candidate has been formally installed in the parish by the Ordinary.

§ 3. These most carefully considered laws, designed to prevent the less experienced, the new, and the unlearned from being preferred to the experienced, the old, and the knowledgeable, have been violated by human fraud and malice, exacerbating the very wound they were intended to heal. Very often, those rejected by the Ordinary have readily resorted to the appeal process, invoking the provisions of the Constitution, and, without a legitimate reason, have challenged those elected by the Bishop to a new examination; and furthermore, they have abandoned the care of the flock and the custody of the church, embarking on a long and arduous journey, and have been forced to sustain a lawsuit, incurring lengthy labor, time,

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and expense, sometimes for a second, third, and even further instance.

§ 4. Indeed, experience has shown that the lawsuit itself often results in great injustice. For those who had been subjected to an examination, and who, being ignorant of the legitimate institutions, had been rejected in the initial competition, were often preferred to others after a long and protracted lawsuit, having diligently studied the laws and regulations, and bitterly complained that they had been unjustly rejected by the Bishop, who, although possessing acquired knowledge, did not possess the expertise that should be attained.

§ 5. This has often been a source of complaint among upright men and defenders of justice. In order to address these complaints, the Congregation of the Council of Trent devoted all its efforts and diligence; and We, who served as Secretary, were instructed to diligently investigate the matter, to discover the origin of the evil, and to seek out appropriate remedies, as far as possible. In explaining Our views on this matter, We found that the practice of holding oral examinations, without any written record, was the primary flaw. For those chosen for the care of souls, if they were challenged to a repeated examination before another judge, could not certainly and permanently defend the right to the legitimate conferral of the office, which had already been proven by their demonstrated suitability.

[*Latin ed. p. 497*]

497. The documents, however, and the very process of a new examination, subject to review before the appellate judge, completely ignorant of the facts of the case, seemed to hinge on chance. Consequently, a grave detriment to justice arose, as it was believed that one could appeal to another judge without providing any documentation of the improper rejection. This, being far removed from the censure of the sacred canons, we believed could easily be remedied if a certain and appropriate form for conducting the examination were prescribed; if the questions posed to the candidates, and their corresponding answers, and the entire sequence of events were recorded in writing; and if, finally, the complete record of the entire process were presented to the appellate judge.

§ 6. The reasoning behind the advice we offered not only pleased the Congregation, which approved it on November 16, 1720; but it was also strengthened by the judgment of Clement XI, an outstanding defender and advocate of ecclesiastical discipline. In order that the local Ordinaries might carry out all of this with due filial obedience and diligence, appropriate letters were written by our hand on January 10, 1721, expressing the sentiments and pronouncements of the same Pontiff, the content of which, although previously entrusted to another, and included in the Bull of our Predecessor Clement, we deemed fitting to refer to here.

§ 7. Most Reverend Lord, as a Brother. As is well known, the Sacred

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Council of Trent, in session 21, chapter 18, decreed that parish churches should be entrusted to more worthy individuals. Therefore, when a parish church is vacant, a competition should be held; and after the candidates have been examined and approved by the Bishop, or his General Vicar, and by at least three Synodal examiners, the Bishop should choose the one who, by reason of age, morals, doctrine, prudence, and other qualities necessary and suitable for governing the vacant church, is deemed more worthy than the others, and more fit. Furthermore, to more firmly confirm this decree of the Council, the most holy Pope Pius V added that if a Bishop ever chose a less capable candidate, after setting aside more suitable ones, those who had been rejected could appeal from such an improper election to the Metropolitan, or, if the Metropolitan himself was the one making the election, or was exempt, to the nearest Ordinary, as the delegate of the Apostolic See, or to the Apostolic See itself, and could challenge the chosen candidate to a new examination before the appellate judge and his examiners; but with this caution, that the appeal should be in the nature of a review, and not a suspension of the election; as is more fully explained in his Constitution, which is the thirty-third. In conclusion, if it is established that the previous election was based on an unreasonable judgment, and that judgment is revoked, the parish church should be entrusted to a more suitable candidate. However, since neither the decree of the Council nor the Bull of the Pope prescribes any certain and specific form or method for conducting the examination in the competition, it is difficult to say how much the examination, and the differences in its conduct elsewhere, have varied, and how much this has led to complaints. For in some places, when the same questions were not posed to all, and the same cases were not presented: there were those who, either in court or outside of it, complained that they, who had been rejected, had been given more difficult questions to answer, while the chosen candidate had been given easier ones. In other places, however, the same questions were indeed posed to all, but neither these questions nor the answers given by the candidates were recorded in writing, or in letters. And it often happened that someone who had been rejected, by right of the aforementioned Bull, appealed for a new examination before the appellate judge and his examiners, the records...

[*Latin ed. p. 498*]

498. The Code of Canon Law states that an elected candidate can be challenged. The Holy Congregation, since the year 1603, has considered that a challenge can only be proven through thorough examination; therefore, a challenge for a new examination is permitted, even if the alleged grievance has not yet been proven, provided that the necessary evidence is presented in the subsequent judgment. In this judgment, if the challenge, through a new examination of the appellant, proves a deficiency in doctrine, then the superiority of the other candidate in the remaining qualifications necessary

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for governing the parish must be demonstrated, so that a judgment can be rendered regarding the suitability of either candidate for the administration of the parish; for, if one is more learned, he is also more apt, or more suitable, for that administration, or should be considered as such. This judgment of the Holy Congregation was praised by writers and tribunals. In other dioceses, a commendable custom prevailed, whereby the same questions and the same cases were presented to all candidates; and (so that no opportunity might be given to the Chancellor to add, subtract, or change anything), the candidates themselves, after being questioned, would write down their own answers. Furthermore, Ordinaries who adhered to this custom, which is by far the best in the examination process, left it to the Holy Congregation to consider, and to grant indulgence to those who had been examined and postponed, as is customary, when they appealed, so that it would not appear that the newly elected candidate was immediately challenged for a new examination without any prior proof of a grievance; for these candidates could easily prove a grievance in doctrine from the records of the first examination, which other candidates, who were examined differently, could not prove except through a second, or new, examination. There were also others, distinguished for their integrity and expertise in the administration of churches, who advised that some restraint should be placed on the license of such appellants, and that their excessively frequent challenges for a new examination should be discouraged; for such challenges rarely occur without causing great harm to the churches. For, when a new examination is to be conducted before a judge of appeals, it is far removed from the parish; the elected candidate, who is being challenged, is compelled by the Bishop to leave the parish he holds, and to leave it to an economist, or a vicar, as if to unknown custodians, a fiancé who will be absent for a considerable time, but certainly for a long period; while, meanwhile, implicit disputes, and even quarrels, and perhaps four or more other examinations, regarding the superiority in doctrine first, and then regarding other qualifications that are suitable for enhancing suitability, are multiplied contentiously, and conveniently, if I may say so, are prolonged, before it can be decided to which of the candidates the parish should be assigned. To eliminate this source of complaints, as well as inconveniences, the Holy Congregation, interpreter of the Council of Trent, after carefully reviewing the entire matter from the beginning, which was repeated in two sessions on October 1st and November 16th, 1720, and with the approval of the Most Holy, decided (and this is carried out through the present encyclical letters) to urge all Bishops and other Prelates, to whom the right and authority to hold a competition belongs, not to burden themselves with an examination of this kind, which is already observed in many dioceses, and in the City itself, and which the Apostolic Dataria also requests; whether it is the case that a parish church is vacant, the collation of which belongs to the Apostolic See; or whether it is the case that a parish

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church is vacant, as is said in the Decree; or finally, whether it is the case that, when a dignity of a higher rank is vacant in a collegiate or cathedral church, with an attached care of souls, a competition must be held, and transmitted to the Apostolic Dataria, as is known.

[*Latin ed. p. 499*]

Document 499, and the writings pertaining to the Order, which then issue from the Dataria, clearly prescribe this. Therefore, when a parish church is vacant, and it is to be filled through a competition, and this is indicated by the usual formulas, the following, by the decree, counsel, and persuasion of the Sacred Congregation, are to be observed.

1. First, that the same questions be assigned to all candidates, the same cases, and the same passage from the Gospel, upon which they shall write something, to test their ability to preach for the congregation.

2. Secondly, that the case and the questions to be resolved be announced to all at the same time, and that the same passage from the Gospel be given to all at the same time.

3. Thirdly, that a certain and equal period of time be established for all, within which they shall resolve the case, answer the questions, and compose a discourse.

4. Fourthly, that all the candidates be enclosed together in a closed chamber, from which, while they are writing (for copies will be given to all for writing), no one of them may leave, nor may anyone else enter, except after they have finished writing and have presented their work.

5. Fifthly, that everyone write their answers and their discourse with their own hand, and sign them.

6. Sixthly, that the answers be written in Latin, but the discourse in the language commonly used with the people.

7. Finally, that each answer and each discourse, when presented by each candidate, be signed not only by the one who wrote it, and by the Chancellor of the competition, but also by the Examiners, and by the Ordinary, or his Vicar, who were present at the competition.

After the competition has been completed according to this formula, and the one who is deemed more suitable and worthy has been appointed to the parish church, no appeal shall be admitted, either on the basis of a bad report from the Examiners, or on the basis of an unreasonable judgment of the Bishop, unless it is made within ten days from the day of the appointment.

If anyone appeals within this time, and requests that the proceedings of the competition be transferred to the judge of appeals; then either the original proceedings of the competition, sealed and signed, or certainly one authentic copy of them, shall be sent by the Chancellor of the competition, together with another notary, and examined before the Vicar, or

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another person of ecclesiastical standing chosen by the Ordinary, to whom the choice of the notaries shall also pertain; and also signed by the Synodal Examiners who were present at the competition. From these proceedings, or from the authentic copy of them, unless a serious error regarding doctrine is demonstrated by the one who appeals, as stated above, either on the basis of a bad report from the Examiners, or on the basis of an unreasonable judgment of the Bishop, the request for permission to challenge the examination will be denied by the Sacred Congregation.

Likewise, in the judgment of appeals, one will vainly attempt to pursue their right if they claim to be harmed in other respects, unless, after a timely appeal, as stated above, from an unreasonable judgment of the Bishop, they demonstrate such harm, either from the proceedings of the first competition, or at least from testimonies and extrajudicial documents, but not trivial ones.

[*Latin ed. p. 500*]

Codex 500 of Canon Law. And thus it was the judgment of the Holy Congregation, and the Most Holy Father concurred. However, if any Ordinary should, nevertheless, institute examinations for candidates in a manner different from that described above, then the Holy Congregation itself will, in the accustomed manner, grant to those who claim to have been aggrieved, a recourse to a new examination, without any prior proof of grievance. Meanwhile, however, lest the memory of these letters should fade, the same Holy Congregation desires that they be perpetually preserved in the chancery of each Ordinary. To whose counsel, and to whose will, I commend all things, praying with all my heart for the well-being of Your Eminence. In Rome, this 10th day of January, 1721. To Your Eminence. As a brother, Father M. Cardinal CORRADINUS, Prefect. Father LAMBERTINUS, Secretary.

§ 8. As to how much progress we have made in the proper dispensation of ecclesiastical duties, the administration of justice, the resolution of disputes, and the maintenance of clerics in their office, it is evident that the institution of the aforementioned laws, first for the Church of Ancona, and then for Bologna, has brought forth most salutary results, and that we embrace our duty with paternal charity. Indeed, relying on the protection of these laws, we have appointed more worthy individuals to parishes and to the care of souls; and, with the blessing of the Lord, this has occurred with such general approval that no one has complained that a less worthy individual has been given a more prestigious position, or that the governance of a vacant church has been entrusted to another less justly.

§ 9. But because we are warned by certain indications that this has not happened to other Bishops; indeed, that there are some who, having abandoned their private studies, often decline, and presume to judge the Episcopal judgment: We are therefore concerned to fulfill, as is fitting, the parts of Our office, and we have deemed it necessary to add certain things to the

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aforementioned letters, and to explain more clearly, in a concise manner, certain things that were there only implied, so that all things may be carried out properly and in order.

§ 10. We have heard with regret that, in many dioceses, although a praiseworthy and firmly maintained custom exists of recording the examinations of candidates in writing, nevertheless, the votes of the examiners are based solely on their knowledge of letters, and no inquiry is made as to the age, education, seriousness, and moral character of the clerics, their prudence, the duties they have previously performed, and whether they are indeed such as can help their flock with word and example. It is clear to anyone who will consider the words related in chapter 18, session 24, of the Council of Trent, concerning Reforms: "After the examination has been completed, those who have been judged suitable in morals, doctrine, prudence, and other things suitable for governing the vacant church, shall be announced." And the Congregation of that same Council, knowing this well, has repeatedly decreed that examiners fail in their duty if they are only judges of doctrine, and do not inquire as to who, above all others, are suitable and commendable for the office of parish priest, by reason of their moral integrity, their labors, their previous service to the Church, and other necessary qualities.

§ 11. It is understood that, after the examination has been completed, it is solely the power of the examiners to announce how many are deemed suitable for the governance of the Church.

[*Latin ed. p. 501*]

Document 501 stipulates that the election of a more suitable candidate is reserved to the Bishop, as decreed by the Council of Trent with these words: "And from among these, the Bishop shall choose the one whom he judges to be more suitable to the others." However, if a cleric is unjustly judged by Examiners, whose sole concern has been to investigate doctrine, without also diligently examining other qualities suitable for a Pastor, an appeal may be made. The judgment should then be reviewed, and the judge to whom the appeal is made should also focus solely on the matter of doctrine, without considering the grave detriment to souls and the injury to discipline that would result from appointing to the Church a man who may excel in letters, but is otherwise less suitable and perhaps even unworthy; on the other hand, one who, although perhaps not as learned, surpasses others in morals, gravity, prudence, a proven reputation, long service to the Church, and a multitude of virtues, should be preferred.

§ 12. It does not seem sufficient to eliminate abuses if both the Bishop and the Examiners, with united efforts, direct all their energies towards conferring a judgment on the person who, although possessing knowledge and learning, is surpassed by others in the adornment of other qualities; if, indeed, the one who is passed over, relying too much on his own learning, frequently appeals against what he considers an unreasonable judgment

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of the Bishop; and if the cause of the appeal is presented to the judge solely with the aim of investigating the greater learning of one person and rectifying the supposed injury done to the learned man, without considering the weight of other virtues that are lacking in the appellant, then the superiors of the Churches should be very vigilant about the outcome of such appeals, and they should deeply grieve that parishes are entrusted to pastors who are learned but not suitable, as has been said.

§ 13. But if the judge of the appeal (which rarely happens) grants only as much importance to learning as is necessary, and instead undertakes a more thorough and accurate examination of the person's morals, gravity, prudence, previous labors, examples of virtue, and finally, the overall account of his entire life, which is conducive to the care of the flock, and if the appellant presents so many testimonies collected with diligence, that the judge, without fearing to contradict the Bishop's judgment, which he considers unreasonable, dares to help the appellant, whom such abundant and conspicuous evidence of probity supports, then...

§ 14. Finally, since it is especially for Bishops, as if placed in a watchtower, to see the faults of their subordinates, it often happens that, in a competition in which both knowledge and morals are considered, the Examiners declare the one to be suitable who has some hidden flaw in his character or a stain of crime, which is known to all except the Bishop. If the Bishop, urged by the circumstances, silently overlooks this crime and prefers the one who is free from such blemish, then the one who was passed over, feigning injury, appeals to a higher judge who is ignorant of the crime, and, using the usual pretext for an appeal, is elevated to the pastoral office, a man who cannot benefit the people but can harm them, who cannot provide good governance but can increase division.

§ 15. Therefore, so that men of bad character do not misuse the remedy of appeal, which was instituted for the protection of justice, it might perhaps seem to some to be the best course of action if, with any appeal removed, the care of appointing pastors of souls were entirely left to the Bishops, who would render an account of their decisions only to the Judge of all, Christ. But we cannot in any way approve of this, because it would be contrary to the intention of the Council of Trent, which...

[*Latin ed. p. 502*]

502 The Code of Canon Law permits an appeal in cases involving a detrimental report from Examiners, as those words seem to indicate: "Nor shall any appeal, even to the Apostolic See, or to its Legates, or Vice-Legates, or Nuncios, or to Bishops, or Metropolitan Bishops, or Primates, or Patriarchs, interposed, impede or suspend the execution of the aforementioned reports of the Examiners." This provision is also echoed in the Piana Constitution, which allows for an appeal in cases of an unreasonable judgment by a Bishop. § 16. Regarding this matter, we have deemed it our duty to

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prescribe to you, venerable Brothers, the order of procedures to be followed in such a matter, an order which we have found to be useful through long experience in appointing spiritual leaders who can preside over and benefit their flock. I. When a Bishop is notified of a vacancy in a parish, he shall immediately, according to the prescriptions of Trent, appoint a suitable Vicar in that parish, with a proportionate assignment of the parish's fruits at his discretion, who shall bear the burdens of the parish until a pastor is appointed. II. Public notice of the competition shall be announced by edict, at a time deemed appropriate and set by the Bishop: and in the same edict, all shall be clearly and openly warned to present, before the designated three-month period expires, before the Chancellor of the Bishopric or another person appointed by the Bishop, proofs of their qualifications, merits, and services, including both judicial and extrajudicial attestations, and other documents of the like nature, which must be free from fraud. Otherwise, after the said deadline has passed, such documents, whatever they may be, and of whatever nature, will not be accepted. III. On the day of the competition, the merits, qualifications, and requirements of each candidate (as they are called), obtained with unwavering integrity from the documents presented within the appropriate time, shall be summarized in writing by the Episcopal Chancery: and a copy of this summary shall be given not only to the Bishop, or to the General Vicar acting in his place, but also individually to all the Examiners present at the competition, so that they may render judgment on their knowledge, as well as on their life, morals, and other qualities necessary for the administration of the Church. IV. On the day appointed by the Bishop, the competition shall be held, strictly adhering to the form prescribed in the letters published in 1721, as mentioned above, and the entire series of events that take place shall be carefully recorded in writing. Furthermore, in order to obtain a certain and undeniable assessment of knowledge, the Examiners, after carefully examining the expertise of each candidate in explaining a particular chapter of ecclesiastical doctrine, either orally or in writing, whether from the Holy Fathers, or from the Council of Trent, or from the Roman Catechism, and with equal diligence, they shall evaluate the answers given in writing to the questions posed; and finally, after they have determined which of the candidates excels in the soundness of their judgments and the elegance of their language, both in the written composition and in the text adapted to the Gospel, or to another given theme: the Examiners, unless they apply greater discernment in examining other qualities conducive to the care of souls, shall inquire into the honesty of their character, their seriousness, their prudence, the services they have rendered to the Church thus far, the praise they have acquired in other duties, and other admirable virtues,

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closely bound to doctrine.

[*Latin ed. p. 503*]

Document 503 should be consulted; with all these expenses considered together, they shall reject the unsuitable candidates through their votes, and shall present the suitable ones to the Bishop. V. With the complete agreement of the Bishop, or, if the Bishop is prevented, by the General Vicar together with at least three Synodal Examiners, a concise note of the requirements previously distributed shall be given to the Chancellor, who shall seal it, or keep it secret in the records, and shall not show it to anyone, except by order of the Bishop, or his General Vicar. Subsequently, the Ordinary, as soon as he pleases, shall choose the more worthy of those approved, and the possession shall not be delayed to him by any appeal or injunction. VI. If it should happen that a cleric appeals due to a bad report from the Examiners, or due to an unreasonable judgment by the Bishop, the complete records of the competition shall be presented before the court of appeal; and the judge shall not pronounce a judgment unless he has seen them, and has found a grievance. Furthermore, in delivering the judgment, and in correcting the grievance, the same judge shall rely only on the proofs contained in the records, both with respect to doctrine, and with respect to other merits. Because only a short time has passed, from the public announcement until the day of the competition, which was sufficient to conveniently present the necessary rights, testimonies, requirements, and other documents of merit; therefore, in order that every possibility of fraud may be eliminated, we wish, and strictly command, that said testimonies, both judicial and extrajudicial, and all documents carefully sought, and, as they say, obtained after the competition, shall in no way be accepted. Notwithstanding the aforementioned letters, issued by the Congregation of the Council of Trent in the year 1721, by which, for the purpose of this matter, we derogate from the foregoing, yet they shall remain firmly in their full force and effect in all other respects, together with all that is contained therein. VII. When the Bishop, having set aside one, or another of those approved, has offered the church to a more suitable candidate for some reason known only to himself, which he believes it is necessary to communicate to the court of appeal in order to remove any suspicion of unjust preference: he shall inform the judge by a confidential letter, adding the inviolable law of secrecy. Let no one attribute cleverness to this practice, since it flows from the Decrees of Trent. Indeed, in Session 24, chapter 20 on Reform, it is stated: Furthermore, if anyone appeals in cases permitted by law, or has been aggrieved, or otherwise, due to a lapse of two years, as mentioned above, he shall appeal to another judge, he shall be required to present all the proceedings before the Bishop to the judge of appeal, at his own expense, BUT AFTER PREVIOUSLY NOTIFYING THE BISHOP, SO THAT IF HE SEES ANYTHING THAT MAY BE HELPFUL

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FOR THE INSTRUCTION OF THE CASE, HE MAY INFORM THE JUDGE OF APPEAL. And although it is our duty to fear that this practice of notifying the judge from whom the appeal was made, which was once customary, may have become obsolete and abandoned in this time; nevertheless, the Bishop (as has been said) if he has offered the church to a more suitable candidate for a reason known only to himself, and not to others, which, however, is worthy of approval, he shall inform the judge of appeal, by confidential letters, and shall disclose it. Furthermore, let the judges know that the reasons and explanations presented by the Bishop shall be kept with the inviolable law of secrecy, and that no small regard shall be given to the testimony of that Pastor, to whom the divine command speaks, to know his sheep. It is easily believed that Bishops are not less mindful of the salvation of others than of their own, so that they are not deterred by the divine judgment, but are moved by hatred or favor; and in the Sacred-

[*Latin ed. p. 504*]

504. The Code of Canon Law contains a certain injustice, by placing good for evil, evil for good, darkness for light, and light for darkness. If, however, the faith of the judge to whom appeal has been made is suspected, and he does not consider it necessary to reveal to the Bishop the hidden reasons for his decision, then this should be indicated in a secret letter to the Cardinal Prefect of the Congregation of Councils, who will not lack counsel or authority, so that due justice may be rendered to the appellant. § 17. Furthermore, since equity also demands it, and because appeals, which sometimes cause great expense to those involved and harm to the Church, should be concluded as quickly as possible: therefore, when the judge of appeal has rendered a judgment that is entirely in conformity with the pre-election made by the Bishop, no further appeal should be allowed, but the controversy should be brought to an end by the authority of the judgment. However, if the judge of appeal renders a judgment different from that of the Ordinary, it is permissible for the pre-elected candidate, who has lost the case, to appeal to another judge, while in the meantime firmly retaining possession of the parish church. Finally, after a third judge has rendered his judgment, so that the parties are not unduly burdened by labor and expense, especially since we are dealing with the care of souls, for which it is harmful to be deprived of the comfort of a certain pastor, the person to whom two judgments conform shall obtain the legitimate right to govern the church, and no remedy of appeal shall be granted to the one who has lost. § 18. We believe that, even though the appeal has not been abolished, these rules provide sufficient protection for ecclesiastical discipline and the proper order of things. It remains only that the means proposed be entrusted to proper execution; and that the vigilance of the Ordinary should not be wanting in this matter. It would be intolerable that complaints should be brought to our attention day after day, and that

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new laws should be requested to remedy abuses, by those who neglect and despise what has already been provided. § 19. Finally, it often happens that parish churches, dignities, canonries, and other benefices with the care of souls are to be conferred by the Apostolic See, either because they have been vacant for reserved months, or because they are reserved to the said See for another reason; We, following in the footsteps of Our Predecessors, decree and command that, in either of these cases, the Bishop shall indicate his preference without any discrimination, and without any permission or license being requested for this act, which the Bishops should understand has been granted to them by these Our letters. § 20. After the indication of preference has been made, if the matter concerns benefices with the care of souls, which are only reserved for a certain number of months, the Bishop shall choose the most suitable candidate from among those approved, and shall inform the Dataria; and he shall not transmit the record of the preference unless it is requested by the Dataria, when it deems it appropriate. However, if these benefices, which involve the care of souls, are reserved to the Holy See for any other reason than the reserved months of the Apostolic See, then, following the ancient and unchanged practice, the Bishop shall refrain from rendering his opinion, and shall present the record of the preference to the Dataria of his own accord. § 21. It shall be permissible for the Ordinaries, at their discretion, to inform the Dataria in writing, in a private letter, of the person whom they consider most suitable for the governance of the church, and to remind him whether there is any hidden reason, which is justly withheld from the records, that might hinder him from obtaining the benefice with the care of souls.

[*Latin ed. p. 505*]

505 It is necessary to document this. We ourselves will later, from this See, the principal and teacher of all, clearly demonstrate by example, how important it is to exercise episcopal judgment, and how we will honor you, venerable Brothers, who have been called into the sphere of our concern, to whom we impart, meanwhile, the Apostolic Blessing with heartfelt affection. Given in Rome, at Saint Mary Major, on the 14th of December, 1742, in the third year of Our Pontificate. "DOCTJM. CONSTITUTION OF BENEDICT PP. XIV, JUNE V. "The Sacrament of Penance," 1741. The Sacrament of Penance, which the holy Fathers aptly called the "table of the lost grace," after the shipwreck of grace, We, although called by divine providence to care for the entire flock of the Lord, are bound to devote all our efforts and pastoral concern, so that what was given by divine goodness after the loss of baptismal innocence, as a refuge, does not become a lamentable ruin for shipwrecked and miserable sinners, through the deceit of demons and the malice of men who pervert the benefits of God; and so that what was instituted by God, who is rich in mercy, for the salvation and healing of souls, is not turned to their destruction and ruin through the abom-

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inable wickedness of certain priests. § 1. Not long ago, our predecessor, the blessed memory of Gregory XV, through his letters in the form of a Brief, dated in Rome, at Saint Mary Major, on the 30th of August, 1722, in the second year of his pontificate, wisely provided against those priests who are deputed to hear confessions, and who are importunate in shameful and dishonorable matters; and subsequently, in successive times, more decrees were issued by the Venerable Congregation of Our Brothers, the Cardinals of the Holy Roman Church, against heretical perversity, by the General Inquisitors, dated the 11th of February, in the year of Our Lord 1711, and by the same predecessor of Ours, the blessed memory of Alexander VII, in the General Congregation of the Holy Roman Universal Inquisition, held on the 24th of September, 1665, before him, among other propositions alien to the Evangelical truth and dissonant from the doctrine of the holy Fathers, the sixth and seventh, were recalled, condemned, and prohibited. Therefore, considering maturely how important it is that these things be observed everywhere for the eternal salvation of souls, and how important it is for caring for the infirm sheep and for maintaining the dignity of the Holy Church of God, that no priests, abusing the Sacrament of Penance nefariously, offer wounds to the penitent instead of healing, a stone instead of bread, a serpent instead of a fish, poison instead of medicine, but remembering that they are constituted by Christ the Lord as presidents and judges of souls, that they administer this most venerable Sacrament with the sanctity that befits the sublimity and dignity of the office: By Our own motion, and from certain knowledge and mature deliberation, We, with Apostolic authority, confirm the aforementioned letters, and all and each of the decrees mentioned above, and all that has been issued in interpretation and declaration of them.

[*Latin ed. p. 506*]

506. By these presents, We approve and confirm the tenor of the aforementioned law, adding to it the inviolable strength of the Apostolic authority; and furthermore, in order that it may be effective, We again entrust and command to all Inquisitors of heretical depravity, and to the local Ordinaries of all kingdoms, provinces, cities, territories, and places throughout the Christian world, in their respective dioceses, that they diligently, and with all due respect, investigate and proceed against all and each priests, whether secular or regular, whatever their exemption, and immediately subject to the Apostolic See, of whatever orders, institutions, societies, and congregations, and of whatever dignity, or eminence, or endowed with any privilege, or indult, who, whether a penitent, whoever that person may be, or in the act of sacramental confession, or before, or immediately after confession, or by occasion, or pretext of confession, or even outside the occasion of confession, in the confessional, or in another place designated or chosen for hearing confessions, or with the pretense of

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hearing a confession there, have attempted, either verbally, or by signs, or by gestures, or by touch, or by writing, either then or after reading, to solicit or provoke, or have had illicit and dishonorable conversations or dealings with them; and those whom they find guilty of any of these infamous acts, they shall severely punish, according to the quality and circumstances of the crime, with fitting penalties, according to the constitution of Our predecessor, Gregory, which We wish to be understood here verbatim: and, if necessary, We again grant the faculty that this enormous and injurious crime to the Church of God, may not remain unpunished, due to lack of proof, already granted in the aforementioned constitution, to proceed even with individual witnesses, provided that presumptions, indications, and other supporting evidence are present.

II. Furthermore, let all and each priests appointed to hear confessions remember and be bound to diligently warn their penitents, whom they know to have been solicited by others, as mentioned above, about the obligation to report to the aforementioned Inquisitors, or local Ordinaries, the person who committed the solicitation, even if that person is a priest, who lacks the jurisdiction to validly impart absolution, or if the solicitation occurred between the confessor and the penitent, or if the penitent consented to the solicitation, or did not consent at all, or if a long time has passed since the solicitation, or if the solicitation was committed by the confessor, not for himself, but for another person. Let confessors also be careful not to impart sacramental absolution to penitents whom they know to have already been solicited by another, unless they first bring about the aforementioned denunciation, indicating the offender to the competent judge, or at least promise and pledge to do so as soon as they can.

III. And since there are found wicked men who, either out of hatred, or anger, or for some other unworthy reason, or by the impious persuasions, or promises, or flatteries, or threats, or by any other means, incited, disregarding the dread judgment of God, and despising the authority of the Church, falsely accuse innocent priests of solicitation before ecclesiastical judges: so that such nefarious audacity, and such a detestable crime may be restrained by the fear of the magnitude of the punishment, let whatever person who has stained themselves with this abominable offense,

[*Latin ed. p. 507*]

Document 507, or those documents themselves, unjustly calumniate confessors, or wickedly seek to have this done by others. Any priest, regardless of any privilege, authority, or dignity he may possess, except for Ourselves and Our Successors, unless at the end of life, and except in the article of death, shall be entirely without hope of obtaining absolution, which We and the aforementioned Successors reserve for Ourselves, perpetually.

§ 4. Finally, greatly desiring to remove every occasion of impurity, and contempt of the Sacraments, and injury to the Church, and to completely

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eliminate such harmful evils, and as far as is possible in the Lord, to avert the dangers to souls, which certain sacrilegious individuals, rather than ministers of God, are wickedly plunging into the depths of iniquity, loading them with a greater burden of sins instead of reconciling them to their Creator and to Ourselves through the Sacrament, with the advice of some of Our Venerable Brothers, Cardinals of the Holy Roman Church, and some Masters of Theology, and also with repeated supplications from many Bishops, We, with this Our sanction, which shall remain forever, and as has already been done by many Bishops through their synodal constitutions, forbid and prohibit all and each priest, whether secular or regular of any Order and dignity, who, although otherwise approved for hearing confessions, and endowed with any privilege and indult, even with a special expression, and with a most special note and mention, by the authority of the Apostles and the fullness of Our power, that none of them, except in the case of extreme necessity, namely, in the very article of death, and when there is then no other priest available who can perform the duties of a confessor, shall dare to hear the sacramental confession of a person complicit in a shameful and dishonorable sin, which is contrary to the sixth commandment of the Decalogue, thereby depriving himself of the very right to any authority and jurisdiction over any person to absolve him from such guilt; indeed, so that, if they should grant absolution, it shall be entirely null and void, as if granted by a priest who is deprived of the jurisdiction and faculty necessary to validly absolve, which We intend to take away from them by these presents; and nevertheless, if any confessor should dare to act otherwise, he shall incur the penalty of a greater excommunication, the power to absolve from which We alone, and Our Successors only, reserve.

§ 5. We also declare and decree that, even in virtue of any Jubilee, or even of a Bull called the Holy Cross, or of any other indult, no one shall be able to hear the confession of said complicit person in such a manner, and to grant him sacramental absolution; since, for this purpose, and in this case, no confessor, as one who is, as it were, lacking jurisdiction in this kind of sin, and is deprived by Us of the faculty of absolving, shall be considered a legitimate and approved confessor. Notwithstanding the Constitutions and Apostolic Ordinances, especially those called the Holy Cross, or the Universal and plenary Jubilee, as well as the statutes, customs, privileges, indults, and Apostolic Letters, under whatever terms and forms, of any churches, and monasteries, and Orders of any kind, of which their priests may be, even if confirmed by oath, Apostolic confirmation, or any other form of guarantee.

[*Latin ed. p. 508*]

Codeco 508 of the Canon Law, and with any clauses, and decrees, even those issued *motu proprio*, or otherwise granted, even repeatedly ap-

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proved, and amended; with all of which, the holders thereof, in the present instance, expressly hold them, but for this occasion only, specially and expressly derogating from them, and from all other contrary things whatsoever. § 6. Finally, and above all, We wish and command that all local Ordinaries, both those presently in office and those who will be in the future, in the approval of confessors, carefully read and diligently observe both the aforementioned Constitution of our Predecessor Gregory, and the present one of Ours, and that they admonish and encourage the priests who are approving them in the Lord, so that they may perform the sacred ministry entrusted to them with the utmost purity of heart, purity of morals, and integrity of judgment, and that they present themselves as ministers of Christ and dispensers of the mysteries of God. Furthermore, let them remember that they hold the place, and fulfill the office, of the highest and eternal Priest, who offered Himself to God, holy, innocent, undefiled, through the Holy Spirit, without blemish, that He might cleanse our conscience from dead works, to serve the living God: therefore, let them diligently strive and carefully take heed, lest those who seek and knock may have the heavens closed to them through their fault; lest lost sheep, hastening to return to the Lord's fold, be torn apart by the teeth of wild beasts in their hands; lest the prodigal sons, poor and wounded, returning to the heavenly Father, be wounded by even more grievous sins through the wickedness of their actions, while they are still on the way. § 7. In order that these present Letters may more easily come to the knowledge of all, and that no one may allege ignorance of them, We wish that copies of these Letters, or their exemplars, be affixed to the doors of the Lateran Basilica, and of the Basilica of the Prince of the Apostles, as well as to the Apostolic Chancery, the General Curia on the Quirinal Hill, and in the Field of Flowers in the City, as is customary, and that, once published and affixed, all and each of those to whom they pertain be bound and affected by them, as if each of them had been notified and informed personally: and that, with copies or exemplars of these present Letters, even printed ones, signed by the hand of a public Notary, and sealed with the seal of some person constituted in ecclesiastical dignity, the same faith be applied to them, both in court and outside of it, everywhere, as would be applied to the present Letters if they were exhibited or shown. § 8. Therefore, it is not permitted to any human being whatsoever to infringe this page of Our will, sanction, precept, mandate, and derogation, or to dare to contradict it with reckless audacity. If anyone should presume to attempt this, let him know that he will incur the wrath of the Almighty God, and of the Apostles Peter and Paul. Given at Rome, near St. Mary Major, in the year one thousand seven hundred and forty-one of the Incarnation of the Lord, on the Kalends of June, in the first year of Our Pontificate. SUB-DATARIUS. For the Most

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Reverend Cardinal, Caietanus Amatus.

[*Latin ed. p. 509*]

509 Documents of CANON LAW. VI. From the Constitution of Pope Paul III, "Altitudo," June 15, 1537. Indeed, as we have learned with great and spiritual joy, many inhabitants of western and southern India, although ignorant of the divine law, have, with the cooperation of the Holy Spirit, been enlightened, and have completely rejected the errors they previously held, and desire and propose to embrace the truth of the Catholic faith and the unity of the Holy Church, and to live according to the rites of the same Roman Church. Concerning their marriages, we decree that those who, before their conversion, had several wives according to their customs, and do not remember which they first took, upon being converted to the faith, may choose one of them, as they wish, with whom they may contract marriage by the usual words; but those who do remember which they first took, must retain that one, dismissing the others. And we grant to them that those joined in marriage, even in the third degree of either consanguinity or affinity, shall not be excluded from contracting marriages, until a different decision has been made by this Holy See regarding this matter. VI. L. Constitution of Pope Pius V, "Romani Pontificis," August 2, 1571. The Roman Pontiff, with equal prudence and foresight, has been accustomed to provide declarations and other suitable remedies, so that those things which ought to be established and defined for the guidance of newly converted Indians may not be subject to any scruples or hesitations. Now, as we have learned, while the Indians remain in their infidelity, they are permitted to have several wives, whom they also repudiate for the slightest reasons; hence, it has been permitted for those who begin to be baptized to remain with the wife who was baptized at the same time as the husband; and because it often happens that she is not the first wife, hence both ministers and bishops are tormented by very serious scruples, believing that it is not a true marriage; but because it would be most harsh to separate them from their wives with whom they received baptism, especially because it would be very difficult to find the first wife: therefore, We, with paternal affection, wishing to kindly advise these Indians, and to exempt the bishops and upon such scruples, by Our own motion and from Our certain knowledge, and by the fullness of Our apostolic power, declare that Indians, as is mentioned above, who are baptized, and who are to be baptized in the future, may remain with the wife who was baptized with them and is being baptized, as with a legitimate wife, dismissing the others, by the authority of the Holy See, by the tenor of the present document, and that such a marriage shall be considered legitimate among them, etc.

[*Latin ed. p. 510*]

510 Code of Canon Law DOCUMENT VIII. Constitution "Populis" of

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Pope Gregory XIII, January 25, 1585. It is fitting to grant to peoples and nations recently converted from the error of paganism to the Catholic faith freedom concerning the contracting of marriages, lest men, who are least accustomed to continence, persist less readily in the faith, and others be deterred from embracing it by their example. For it often happens that many, both men and especially men, who are unfaithful, after having contracted marriages according to the rites of the pagans, being captured by enemies from Angola, Ethiopia, Brazil, and other Indian regions, are exiled from their native lands and separated from their wives, sometimes to the most remote regions, so that both they themselves and those who remain captive in their homeland, if they should afterwards be converted to the faith, may not be able to warn their unfaithful spouses, who are separated by such a great distance, whether they wish to live with them, or because sometimes access to hostile and barbarous provinces is not even open to messengers, or because they are completely ignorant of the regions to which they have been transported, or because the length of the journey presents great difficulties: therefore, We, considering these marriages contracted among the unfaithful, which are indeed true, but not so valid that they cannot be dissolved when necessity dictates, moved by paternal piety for the weakness of such peoples, grant to all and each of the Ordinaries and parish priests, and to the priests of the Society of Jesus, approved by the Superiors of that same Society for hearing confessions, and sent to or admitted in those regions for the time being, full authority by the tenor of these presents, to grant dispensations to any Christian inhabitants of those regions, and to those who are later converted to the faith, who, before receiving baptism, have contracted marriage, so that each of them, if a spouse remains unfaithful, and without the least requirement of their consent, or without expecting a response, may lawfully contract and celebrate marriage with any other faithful person, even of a different rite, and may lawfully remain in such marriages after carnal union, as long as they live: provided that it is also established, in a summary and extrajudicial manner, that the spouse, as mentioned above, could not be lawfully warned, or that the warning given within the time specified in that warning did not indicate their will; these marriages, even if it should afterwards become known that the former spouses were unable to declare their will justly, and if they were even converted to the faith at the time of the second marriage, should nevertheless never be annulled, but We declare them to be valid and firm, and capable of producing legitimate offspring. Notwithstanding, etc.

[*Latin ed. p. 511*]

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Year IX, December 31, 1917. Vol. IX - Part II - Appendix. ACTA APOSTOLICAE SEDIS. OFFICIAL COMMENTARY. In the official edition of the Code of Canon Law, certain errors have occurred, which the Most Holy Father, in the audience held today with the undersigned Cardinal, has commanded to be corrected as follows:

Can. 54, § 1; 120, § 2; 121; 122; 123; 124; 125; 126; 127; 128; 129; 130; 131; 132; 133; 134; 135; 136; 137; 138; 139; 140; 141; 142; 143; 144; 145; 146; 147; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158; 159; 160; 161; 162; 163; 164; 165; 166; 167; 168; 169; 170; 171; 172; 173; 174; 175; 176; 177; 178; 179; 180; 181; 182; 183; 184; 185; 186; 187; 188; 189; 190; 191; 192; 193; 194; 195; 196; 197; 198; 199; 200; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 229; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 240; 241; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 259; 260; 261; 262; 263; 264; 265; 266; 267; 268; 269; 270; 271; 272; 273; 274; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 294; 295; 296; 297; 298; 299; 300; 301; 302; 303; 304; 305; 306; 325; 344, § 2; 421, § 1, n. 4; 544, § 3; 600, n. 1; 628, n. 1; 681; 822, § 1; 956; 1227; 1249; 1252, § 4; 1301, § 1; 1557, § 2, n. 1; 1599, § 2; 1840, § 3; 1913, § 1; 2182; 2237, § 1, n. 2; 2237, § 1, n. 3; 2265, § 2.

"In religious orders, the superiors, officials of the Roman Curia, and those who celebrate the Pasch, Ascension, and Pentecost with the throne and baldachin, serve the religious who are exempt, according to the norm of canon 412, § 2. Visitors to the Order or to the Holy See, whether they are visiting for the purpose of religious instruction or novitiate, or for other reasons, shall observe the prescriptions prescribed according to the law, referring what is proper to what is proper, according to the norm of canon 1196. An election shall be held for a religious professed of whom mention

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is made in canon 964, n. 4, and it shall be celebrated, either outdoors or in any place, except during the time of Lent, and not during the vigil, in the form prescribed by civil law, saving the prescription of canon 1572, § 2; causes concerning which are mentioned in canon 1557, § 2, or other causes for which an appeal is not granted by the judge in a decree in which the form of judgment has not been observed, according to canon 467, § 1, 468, § 1, 1178, 1330-1332, 1344. Censures reserved to the Apostolic See; penalties of incapacity for holding benefices, unless the person has been absolved from excommunication or from another ecclesiastical censure.

From the Vatican, October 17, 1917.

PETER Cardinal GASPARRI, Secretary of State.

1 Acta Apostolicae Sedis, vol. IX, Part II.

[*Latin ed. p. 529*]

By a PROPER ACT, a COMMISSION is established to authentically interpret the canons of the Code. Pope BENEDICT XV, having promulgated, not long ago, the Code of Canon Law, compiled under the order of Our predecessor, Pope Pius X, fulfilling the expectation of the entire Catholic world, it is certainly for the good of the Church and the nature of the matter itself that, as far as possible, we take care that the stability of this important work is not called into question, either by uncertain opinions and conjectures of private individuals regarding the true meaning of the canons, or by the frequent introduction of new laws. Therefore, Our intention is to address both of these inconveniences; and to achieve this, by a Proper Act, with certain knowledge and mature deliberation, We establish and decree the following: I. Following the example of Our predecessors, who entrusted the interpretation of the decrees of the Council of Trent to a group of Cardinals, We establish a Council, or Commission, which will have the sole right to authentically interpret the canons of the Code, although, in matters of greater importance, it shall hear the opinion of the Sacred Congregation to which the matter pertains, which shall be presented to the Council for discussion. Furthermore, We wish this Council to consist of several Cardinals of the Holy Roman Church, one of whom will preside over the group, to be chosen by Our authority and that of Our successors; to these will be added a proven official of the Sacred Council, and several consultants from both the clergy, experts in Canon Law, to be appointed by the same authority; but the Council will also have the right to request the opinion of consultants from the Sacred Congregations, for each matter pertaining to them.

[*Latin ed. p. 530*]

530. The Code of Canon Law II. The Sacred Roman Congregations shall not enact new general decrees, unless a grave necessity of the entire Church dictates otherwise. Therefore, the function of these Congregations in this

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matter will be both to ensure that the prescriptions of the Code are religiously observed, and, if circumstances permit, to issue instructions which, in addition to shedding light on and clarifying the aforementioned Code precepts, may also promote their effectiveness. Such documents shall be prepared in such a way that they are not only, but also appear to be, certain explanations and supplements to the canons, which are therefore appropriately cited within the context of the documents.

III. If, with the passage of time, the good of the entire Church should require that a new general decree be enacted by any Sacred Congregation, that same Congregation shall draft the decree; and if it differs from the prescriptions of the Code, it shall inform the Supreme Pontiff of such a discrepancy. The decree, once approved by the Pontiff, shall be referred by the same Sacred Congregation to the Council, which shall be responsible for drafting a canon or canons in accordance with the decree's intent. If the decree concerns a matter about which the Code is silent, the Council shall determine the place where the new canon or canons shall be inserted into the Code, using the number of the canon that immediately precedes it, repeating "Ms," "ter," etc., so that no canon is moved from its place and the series of numbers is not disturbed in any way. All of these matters, immediately after the decree of the Sacred Congregation, shall be recorded in the Acts of the Apostolic See. We believe that we have prudently decreed these things for this purpose, and we will and order that all and each of these things, as they have been decreed, remain valid and firm: notwithstanding anything to the contrary. Given at Rome, at Saint Peter's, on the fifteenth day of the month of September, in the year 1917, in the fourth year of Our Pontificate. BENEDICT XV.

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Bon-Cane 536 Code of Canon Law [Temporal Goods]: Conditions not observed, 621-624; whether the prescription for acquiring property should also be considered among the modes of acquisition, and with what qualities, 1508, 1511, 1512; whether all things are subject to prescription, 1509, and in relation to all, 1510; whether one can freely bequeath one's property for pious causes, 1513 § 1; to whom does the ownership of these goods belong, 1499 § 2, 531; of what do these goods consist, divided among the territory of a moral person, 1500, or extinguished, 1501, 493, 494 § 2; regarding the acquisition of these goods by pious associations, 691; regarding the administration of these goods, see Administration; regarding their alienation, see Alienation. — Fiduciary: Good: 1516. Private: — Public: 1586, 1618, 1618, 1655 § 2. Bodies: Of the faithful, to be buried, 1203 § 1; after a suitable time, 1213; in a blessed cemetery, 1205 § 1; not in churches, unless, etc., 1205 § 2, cf. 1231 § 1, nor beneath the altar, above which, if it is not more than one meter distant, Mass may not be celebrated, 1202 § 2; ordinarily, to be transferred to the church with a priest before burial, 1215, and from the church to the place of burial, 1231 § 2; clerics are forbidden to carry the bodies of laypersons of any kind or dignity, 1233 § 4; it must never be exhumed except with the permission of the Ordinary, 1214 § 1; whether and when this permission may be denied, 1214 § 2; the body of an excommunicate person must be exhumed and buried in a profane place to avoid scandal, 1242; how those who violate it for the purpose of theft or other evil are to be punished, 2328; see Association of the Body, Cremation, Funerals, Ecclesiastical Burial. Clergy: Clergy are bound by the obligation of celibacy, 132 § 1, even those who have returned to the lay state, 213 § 2, unless someone has received holy orders out of fear and the ordination is not valid because of the fear, 214. Ceremonies and rites of baptism, confirmation, Mass, sacred orders, extreme unction, see each in its place. Bells: They must be consecrated or blessed, and it is fitting for every church to have them, 1169 §§ 1, 2; they are subject to the authority of the Church, 1169 § 3, and they must not be rung for profane uses, unless, etc., 1169 § 4; the name of the bellringer, etc., 1185; religious are also obliged to obey the Ordinary who prescribes the ringing of the bells for a public cause, 612. A chancellor

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must be established in the diocesan curia, who is a priest, 372 § 1, and who is also a notary, 372 § 3; his office, 372 § 1; see Notary. Chancellor: Canon Regular: The required qualifications, 2017. Canonry: It must not be established without attached emoluments, 393 § 3; to whom it should be conferred, 404, and by whom, 403. Canons: Rights, 358 § 1 n. 2, 397, 405 § 1, 408, 411 § 3; obligations: to assist the Bishop in performing pontifical functions, 412 § 1; to perform divine services in the choir, 413 § 1, 414; to serve the altar in turn, 416; to recite the profession of faith, 1406 § 1 n. 5 § 2, 2403; to wear the choral vestments in the choir, 409; to reside, except for three months of vacation per year, 418 § 1, but not at any time, 418 § 2, and without any kind of distribution, 418 § 3; coercion and penalties for those who do not reside, 2168-2175; whether they can be substituted by another in the service of the choir, 419; whether they can be excused at times so that they may still receive the fruits and distributions of the prebend, 420, or only the fruits of the prebend, 421; regarding the vestments of deceased canons, see Beneficiaries, Capitulars, Chapter. — Honorary: Those who can be named, 406; what rights or privileges they obtain, and what they do not, 407, 411 § 3. — Jubilate: 422, 420 § 1 n. 1 § 2. — Order: Regular: Presbyteral: 491, 416 § 1. Canon: A penitentiary should be established, if possible, in cathedrals, 398 § 1; it can also be established in collegiate churches, 398 § 2; qualifications, 399 §§ 1, 2; power, 401 § 1, 873 § 2, 899 § 2, which, however, he cannot delegate, 401 § 1; office, 401 § 2; he is prohibited from holding office with jurisdiction in the external forum, 399 § 3, such as a General Vicar, 367 § 3; he is excused from the ministry of a subdeacon and deacon, 416; when hearing confessions, he is excused from the choir so that he may receive daily fruits and distributions, 420 § 1 n. 3 § 2; how he is to be punished for negligence in office, 2384. Theologian: He should be established in cathedrals, 398 § 1, and can also be established in collegiate churches, 398 § 2; qualifications, 399 §§ 1, 2; office, 400; he is excused from the ministry of a subdeacon and deacon, 416; when performing his duties, he is excused from the choir so that he may receive daily fruits and distributions, 420 § 1 u. 2; how he is to be punished for negligence in office, 2384. Canonization: It cannot be requested except for someone who has formally or equivalently renounced the blessed state, 2136; and if it concerns someone who has been formally beatified, two miracles are required, 2138 § 1, if it concerns someone who has been equivalently beatified, three miracles are required after beatification, 2138 § % and, furthermore, in this latter case, either an authentic document must be presented, 2137 § 1, or a legitimate process must be concluded by a

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Canon 537 of the Canon Law addresses canonization: the positive permission granted by the Roman Pontiff for the cult of a deceased person (2137 §§ 2, 3); the process of canonization (2139, 2140); how it is carried

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out (2141); see also Causes of beatification. Clerks are to be excluded from churches (1264 § 2). Capitularies: obligations (405 § 2, 409, 413, 414, 416, 418, 419, 1346 § 2); rights (405 § 1, 418); procedure and penalties: for non-residents (2168-2175, 2381), for those who withdraw, etc., see documents of the diocesan curia (2405). A chapter is established for a specific purpose (391 § 1); it consists of (393 §§ 1, 2); its establishment, innovation, or suppression are reserved to the Holy See (392), which handles this matter through the Sacred Consistory (248 § 2), and the chapter is established by apostolic letters issued by the Apostolic Chancery (260 § 1), by order of the Sacred Consistory (260 § 2). The number of beneficed canons in numbered chapters, and the number in unnumbered chapters (394 § 1); it must have statutes to be observed (410 § 1); how it is established and approved (410 §§ 2, 3); it must have regularly scheduled meetings, both ordinary and extraordinary (411 §§ 1, 2); when and how to convene them (397 n. 4); who has a voice in these meetings (411 § 3); other obligations (413, 395 § 4, 416-418); precedence among chapters and within chapters (408); what if a chapter is united with the care of souls (471 §§ 1, 2); the legal relationship with the parish priest or vicar in that case (415); how it can participate in a trial (1649, 1653 §§ 1, 3, 5). In the absence of a bishop, the chapter (444); the chapter's function when the bishop is impeded (429) (see Vicarius Capitularis); a canon theologian, and if possible, a confessor, should not be absent from this chapter (398 § 1). A collegiate chapter (391). Funeral chapels, see Aediculaecoemete. Abbeys (324). Cathedral: at the end of any chapter, it also has the function of assisting the Bishop with his council when the See is filled, and of supplanting him when the See is vacant (391 § 1); for then the diocese is ordinarily under its governance (431 § 1), or the Bishop's ordinary jurisdiction passes to all things not expressly excepted (435 § 1); it must transmit this jurisdiction to the Vicar within eight days of receiving notice of the vacancy, designating him (432 § 1), and indeed, the entire jurisdiction (437); in addition to the Vicar Capitularis, within the same time, it must designate an economist or economists, if necessary (432 § 1); it is to be invited to the provincial council, to which it must participate through two canons designated collegially (286 § 3); it must be heard by the Bishop on matters of greater importance, and sometimes its consent must be sought, as in some alienations (1532 § 3), or leases of ecclesiastical property (1541 § 2); it must render an account to the new Bishop of its administrative activities. Associations of the pious: 698. Associations of soldiers: 451 § 3. Associations of religious: 479 § 2, 529. Chaplains: Lay chaplaincies: 1412 n. 2. When attending sacred rites, men must be open, and women must be covered, unless (1262 § 2); relics, distinguished (1281 § 2). Cardinals of the Holy Roman Church: their office (230); their distribution into three orders (231); their election (232 § 1); qualifications of those elected (232); their creation and publication (233); they lose, by the very fact of their promotion, their dignities, churches, etc.

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(235); each receives a specific title, deaconry, or suburban see (231); rights and privileges: regarding Ecumenical Councils (223 § 1 n. 1); regarding the Sacraments (239 § 1 nn. 1, 2, 22, 23, 782 § 3, 873 § 1); regarding sacramentals (239 § 1 nn. 5, 6, 12, 20, 1155 § 1); regarding the celebration of Mass (239 § 1 nn. 4, 7-10, 14, 811 § 2, 812); regarding precedence over others (239 § 1 n. 21), among themselves (233, 236, 237), regarding which the Sacred Consistory for Ceremonies judges (254); regarding other matters (239 § 1 nn. 3, 11, 13, 15-19, 24, 240 § 3, 600 n. 3, cf. 604, 1189, 1298, 1401); in their own dioceses, titles, or deaconries (240, 1414 § 4, 1432 § 1); regarding trials (120 § 2, cf. 2341, 1557 § 1 n. 2, 1770 § 2 n. 1); regarding penalties (2227); option (236); obligations (234, 238); penalties for those who offend them (2343 § 2, 2344); funeral (1205 § 2, 1219 § 1, 1230 § 6); stripping (1298, 1299, 1301). Protectors: 499 § 2. Religious: 627, 629. Cardinal: Dean (237, 239 § 2). Proto-deacon (239 § 3). Irregularities of meat: due to a defect (984 n. 7). Cases: of conscience, etc., see Conferences or Collationes. Excepted: in the causes of the Saints (2000). Fortuitous: 2203 § 2, 2218 § 2. Catechesis is a most important duty of pastors of souls (1329, 1336), of parents (1335), of lords, and of godparents (1335), of superiors of religious orders for their family members and converts (509 § 2 n. 2), especially for newly converted novices (565 § 2); the parish priest must take care of children in this way (467 § 1, 1330, 1331), and of adults (1332); he must use, or at least can use, the help of pious laymen and clergy (1333 § 1), who should help him in this without being hindered.

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538 Cat-Caus: Codex Iuris Canonici [Catechesis]: 1333, § 2; rectores etiam ecclesiarum, 483, n. 1, et etiam exempti, salva disciplina regulari, 1334; modus procedendi et poenae in parochum hoc officium negligentem, 2182-2185, 2382; vide Institutio puerorum. Catechumeni: possunt ipsis dari benedictiones, 1149; in eos fieri exorcismi, 1152; an etiam donari sepultura ecclesiastica, 1239, § 2. Cathedraticum: quinam debeant, 1504; non est obnoxium praescriptioni, 1509, n. 8. Causae: aggravantes imputabilitatem delicti quaenam, 2206-2208, 2234; extraordinariis adiunctis aggravantibus id exigentibus potest iudex determinatam poenam augere, 2223, § 1. — beatificationis reservantur S. Sedi, 1999, § 1, etsi in his quaedam Ordinariis demandata sint, 1999, § 3; competens est Congr. SS. Rituum, 1999, § 2; duplici via procedunt, via scilicet non cultus et via casus excepti seu cultus, 2000, § 1; quando per hanc, quando per illam viam proceditur, 2000, § 2; causae martyrum, per quamcunque viam procedant, ordinarie non cumulandae, 2001; quinam habeat ius petendi instructionem harum causarum, 2003, § 1, quam petitionem si Ordinarius admiserit, 2003, § 3, ius est petenti usque ad exitum causam agendi, 2003, § 2, sive per se, nisi de muliere agatur, sive per procuratorem, 2004, § 1; qui de facto causam pertractat dicitur postulator, 2004, § 2 (vide

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Postulator); in his causis probationes debent esse omnino plenae, ex testibus vel ex documentis, 2019; omnes, confessario excepto, tenentur, licet non vocativa, aperire quae contra causam militare ipsis videntur, 2023; ad obtinendam introductionem causae a Sede Apostolica quid requiratur, 2038, § 1; quae proinde ab Ordinario praestanda, 2038, § 2, et a quonam, 2039, § 1; de perquisitione scriptorum Servi Dei, 2042-2048; de processu informativo, 2049-2056; de processu super non cultu, 2057-2064; apud S. Congregationem facienda est: revisio scriptorum Servi Dei, 2085-2072; discussio processus informativi, 2073-2084; discussio processus super non cultu, 2085, 2086; instruitur processus apostolicus et quomodo, 2087-2097; eius validitas iudicatur, 2098-2100; fit iudicium super heroicitate virtutum in specie (non inchoandum ante quinquaginta annos a morte Servi Dei, 2101) vel super martyrio eiusque causa, tribus in congregationibus, antepraeparatoria, praeparatoria et generali, 2102, et quomodo, 2103-2115; tandem i discutiuntur miracula, quae praeterea requiruntur ad intercessionem Servi Dei, 2116-2124; quid si in causis Caus-Caus [Causae]: martyrum miracula deficiant, 2116, § 2; peculiaria de processu beatificationis Servorum Dei per viam cultus seu casus excepti, 2125-2135; quidquid ad has causas quoquo modo pertinet edi nequit sine licentia S. Congr., 1387. — beneficióles: 1560, n. 2, 1927, § 1, 1930. — canonicae: ad dispensandum a lege ecclesiastica, 84; ad clerici excardinationem, 116, 117, n. 1; ad separationem coniugum, 1129, 1131; ad dismembrationem vel divisionem paroeciae, 1427, § 1, 2, 1428, § 2; ad alienationem bonorum ecclesiasticorum, 1530, § 1, n. 2; ad removendus parochos processu summario, 2147; ad parochos transferendos, 2162; ad infligendam suspensionem ex informata conscientia, 2191. — criminales: quaenam reservantur Romano Pontifici, 1557, § 1, 2227, § 1- non reservatae quomodo pertractandae, 1933-1959; quaenam iudicandae a tribunali collegiali, 1576, § 1, cui convenientius praeest officialis vel vice-officialis, 1578; exigunt promotorem iustitiae, 1586, 1587; non admittunt iusiurandum suppletorium, 1830, § 2. — ecclesiasticae: quaenam iure proprio et exclusivo cognoscuntur ab Ecclesia, 1553; quinam iudex, 1569-1571; quinam iudex competens vide Competentia, si fiunt propriae, citatione peracta, iudicis aut tribunalis coram quo actio instituta est, 1725, n. 2; a quibus cognoscendis iudex abstinere debet, 1613; quaenam exigunt tribunal collegiale, 1576, vel promotorem iustitiae aut defensorem vinculi, 1586; omnes quamprimum, salva iustitia, terminandae, nec in prima instantia ultra biennium, in altera ultra annum protrahendae, 1620; cognoscendae vero sunt quo ordine fuerunt propositae, nisi, etc., 1627. — excusantes: ab imputabilitate delicti, 2199, 2201-2206; a poena, 2218. — incidentes: quaenam, 1837; quomodo proponendae, 1838; quibus in casibus et quomodo a iudice admittendae vel reiiciendae, 1839; utrum definiendae iudicii forma servata an decreto, et quid in alterutro casu, 1840; quo ordine cognoscendae, 1633; quando

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exsecutio sententiae exigit praeviam redditionem rationum, 1919. — maiores: quaenam, 220; penitus excluduntur a competentia etiam S. R. Rotae, 1600; vide Romanus Pontifex. — matrimoniales inter baptizatos iure proprio et exclusivo spectant ad iudicem ecclesiasticum, 1960, exceptis causis de effectibus mere civilibus, quas tamen quoque, si incidenter agantur, potest cognoscere iudex ecclesiasticus, 1961, quinam, 19Ö4; si ag-

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Causes and Censure: Matters concerning nullity are reserved for a collegiate tribunal, 1576 § 1, 1966; which matters are reserved for the Holy See, 252 § 5, 1962, 1963; they cannot be introduced unless preceded by a regular accusation or a legally valid petition, 1970; what must be done by the judge before all else in the case of an accusation based on lack of consent, non-observance of essential forms, or a dispensable impediment, 1965; who are competent to accuse or denounce, 1971, 1972; what evidence is required, 1974-1982; how the process must be made public, how the case must be concluded, and how a judgment must be rendered, 1983-1985; whether, how, and by whom an appeal may be made, 1986-1989; regarding certain cases excepted from general rules, 1990-1992; see Defensor vinculi, Dispensation from a valid marriage, Impotence. Mixed forums: 1553 § 2, 1554. Holy Office: 247, 1555 § 1, 501 § 2. Against Holy Orders: if treated by the judicial order, they are reserved for a collegiate tribunal, 1576 § 1, n. 1; the presence of a Defensor vinculi is then required, 1586; how the proceedings should be conducted, 1993-1998. Possessory actions involve matters concerning the possession of property or quasi-possession, 1668 § 2; the plaintiff may, in a single instance, combine possessory and petitory actions, unless the exception of spoliation is raised, 1670 § 1; indeed, he may revert from a petitory action to a possessory action to obtain or recover possession, 1671 §§ I, 2; the defendant summoned in a petitory action may counter-sue the plaintiff in a possessory action, and vice versa, unless the matter involves spoliation, 1670 § 2; how the judge must define the case, 1671 § 3. Matters reserved for the Holy See are those specified, 1557; in these cases, the competence of lower judges is absolutely lacking, 1558, 1600. Regarding the status of persons: 1903. Caution in judgment, 1626, 1631, 1909 § 2. Cautions in marriages of mixed or different rites, 1061 § 1 n. 2, 3 § 2, 1064 n. 3, 1071. Those who celebrate or cause to be celebrated the Divine Office in forbidden places, 2338 § 3. Celebration of the Mass, see Mass, celebration. Censors of books in the Curia, 1393. Preliminary censorship of books: the right of the Church, 1384 § 1; what is meant by "books" in this context, 1384 § 2; which books cannot be published by anyone without prior permission, 1385 § 1, 1388-1391, from whom it must be obtained, 1385 §§ 2, 3, 1388-1391; a stricter obligation applies to clerics and religious, 1386; permission must be granted after censorship, 1393, and how, 1394; to what extent does it apply, 1392; penalties for those who violate the laws

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540. The Code of Canon Law [Censures]: In the most suitable manner, the faculty to absolve from censures is reserved to the Apostolic See, unless

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the priest has recovered; 2252; regarding absolution from these censures outside of mortal danger, 2253 nn. 2, 3, or in more urgent cases, 2254. Cessation: of dispensations: 86. — of privileges: 73, 77. The surrender of goods and their administration is to be made by religious; 569, 580 § 3, 583. See Physicians for Surgeons. See Confirmation for Chrisma. Christian men are constituted by baptism, which makes them in the Church of Christ, with all rights and offices, unless, etc., 87; therefore, they have the right, with due observance, to spiritual goods and especially to those helps necessary for salvation, 682; from childhood, they are to be instructed in the Catholic religion, 1372 § 1; they are to be encouraged by pastors of souls to devotion to the Most Holy Eucharist, 1273; they ought to invoke and venerate the saints, and especially the Blessed Virgin Mary, 1276; they are bound to openly profess the faith, since otherwise there would be implied denial of the faith or contempt of religion or injury to God or scandal to the neighbor, 1325 § 1; they are bound by the Church to perform what is necessary for the worship of God, the support of the clergy, and other proper needs of the Church, 1496. Christ, the Lord, is contained in the Most Holy Eucharist, is offered, is taken; 801; He is to be adored with the worship of latria, even under the sacramental species, 1255 § 1; He has entrusted to the Church the deposit of faith, which He has sanctified and is to preserve faithfully and explain, 1322 § 1. Citation: what it is, 1711 § 1; what is required to make it in criminal cases, 1939 § 1; it is completed by the spontaneous appearance of the parties before the judge, 1711 § 2; by whom it is made, 1712 § 1; to whom it must be notified, 1712 §§ 2, 3, 1713; any citation is peremptory and therefore not to be repeated, 1714; exception, 1843 § 2, 1845 § 2; how it must be notified, 1715 § 1; how it must be carried out, 1715, 1716, and what if it has been done otherwise, 1723, 1843 § 1 n. 1; to whom it must be delivered, 1717, or how it must be transmitted, 1719; he who refuses to receive the citation is considered cited, 1718; how it is to be done by edict, 1720, 1721 § 3; effects, 1725; the bonds of the promoter of justice or the defender in which cases and in what way are necessary, 1587; the promoter of the faith, 2010 § 1; witnesses, 1765. See Marriage for Clandestinity. Derogatory clause: 46. Closure: it is obligatory in all houses of religious, 547 § 2, 598; it is also obligatory in houses of religious congregations, 604 §§ 1, 2; indeed, even in societies of those living together without vows, 179 § 2. — for nuns, it is understood that no one may enter it, and that no nun may leave it, 600, 601; except for certain persons, 600, and in certain cases, 601; it is under the vigilance of the Ordinary of the place, although the nuns are subject to the rules, 603 § 1, cf. 604 § 3, in which case it is also under the vigilance of the Superior of the rule, 603 § 2; how it must be enclosed, 602; penalties for those who violate it, 2342 nn. 1, 3. — for men: what it affects, 597 § 2; the parts subject to closure must be clearly indicated and by whom, 597 § 3; what if the house has an annex or other works, 599; it excludes all women from entering, except for a few, 598;

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penalties for those who violate it, 2342 n. 2. Keys: archives: 377 § 2, 379 § 3, 380, 381. — of the tabernacle: 1269 § 4. Clergy: who they are, 108 § 1; they are distinguished from laymen by the sacrament of order, 948; each cleric must be assigned to a diocese or religious order, 111 § 1 (see Incardination, Religious Profession); rights and privileges of the clergy: what only they can have, 118; they deserve reverence, and it is sacrilege to injure them with real harm, 119; they must be convened before the ecclesiastical judge, 120 § 1, unless legitimate ecclesiastical authority permits otherwise, 120 § 2; they are exempt from military service, from secular offices and public duties, 121; what if they are compelled to satisfy creditors, 122; they cannot renounce these privileges, but they can lose them and, even if lost, recover them, 123; they lose them by the very fact of being reduced to the lay state, 213 § 1, by the perpetual deprivation of ecclesiastical status, 2304, and by degradation, 2305, but not by deposition, 2303 § 1. — obligations: they are bound to excel before laymen, 124; they must constantly practice piety, 125; they must perform spiritual exercises every third year, 126; they must show reverence and obedience to their Ordinary, 127; they must undertake a task, if the necessity of the Church requires it, which has been entrusted to them by the Ordinary, 128; they must devote themselves to sacred studies, 129; they must abstain from intercourse with women by custom, 133; they must wear the ecclesiastical habit and the clerical collar, unless, etc., 136; they must not make any loan, even of their own goods, without the consent of the local Ordinary, 137, or from any of those things which would be unbecoming of their state, 138; they must avoid those things which, although not indecent, are foreign to the clerical state, 139; they must not attend profane spectacles, which, etc., 140; they must not take the name of soldiery, unless, etc., 141; they must not exercise trade or commerce, 142; they must not leave the diocese without the permission of the Ordinary for a notable time, 143, or they must return if called back to it, or from another diocese, at the command of the Ordinary, dis-

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586. Stipends for Masses: Concerning stipends for those celebrating Mass, see Canon 854 § 1, but only for a single Mass, even if the celebrant offers Mass multiple times in a day, except on the Feast of the Nativity of the Lord and any offerings received from an external source, see Canon 824 § 2; certain prohibitions regarding this matter, see Canon 825; concerning manual offerings, and those presented in the form of manuals, or those said to be founded on such, see Canon 826; any form of negotiation or commerce must be avoided in these cases, see Canon 827; the number of Masses that can be celebrated from multiple stipends received, see Canons 828 and 830; what if the stipend received is lost, see Canon 829; who determines the amount of the stipend, see Canon 831; whether a priest may receive more or less than the customary amount, see Canon 832, especially if he celebrates in a privileged altar; what is presumed regarding the intention of the offeror when a stipend is given, see Canon 833; concerning the time of celebration, see Canon 836; concerning the prohibition of accumulating stipends, see Canon 835; concerning Masses to be celebrated by others, see Canons 837-841; concerning the obligation to ensure the fulfillment of the obligations of the Mass, see Canon 842; concerning the recording of stipends received, Masses to which they are applied, etc., see Canons 843 and 844; concerning the reduction of Mass obligations, see "Onera Missarum"; penalties related to these matters, see Canon 2324. Stipends: whether religious orders require a license from the local Ordinary to accept them, see Canon 621; for religious congregations of pontifical right, see Canon 622 § 1; for religious congregations of diocesan right, see Canon 622 § 2; whether and when a license should be

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